

ATTACHMENT 1

1788

**Criner, Erinn**

**From:** Criner, Erinn  
**Sent:** Monday, August 01, 2016 4:09 PM  
**To:** Koebernick, Doug  
**Subject:** requested information  
**Attachments:** 2371\_001.pdf; 2372\_001.pdf

Hi Doug,

Attached and below is information requested.

- 1.) Agency mandatory V. voluntary graphs. Please note, that this report comes from our Telestaff software and does not include all overtime (it is a scheduling tool). As an example, if someone stays past their shift to write a report, it would not be captured here. Due to the 12 hour shifts, TSCI is not currently using Telestaff (so not included in the mandatory / voluntary report). Therefore, I've included reports from KRONOS (time keeping system) that includes all overtime. It does not track mandatory v voluntary though. (Attachment 2371)
- 2.) Turnover information by facility, with reason and tenure from 1.1.2016 - 6.30.2016 (Attachment 2372)
- 3.) Training costs for Corrections Officers is approximately \$5,600. This does not include Instructor wages or building lease, etc.
  - a. FY 15/16 587 started pre-service - 48 did not finish - 8%
  - b. FY 13/14 526 started Pre-Service - 34 did not finish - 6%
  - c. FY 14/15 462 started Pre-Service - 40 did not finish - 9%
- 4.) Protective Services Overtime dollars:
  - a. FY 15 \$7,656,497
  - b. FY 14 \$6,451,298
  - c. FY 13 \$5,652,351
  - d. FY 12 \$4,259,704
  - e. FY 11 \$3,348,281

As always, if you'd like to sit down and review this information or like for me to explain in further detail, I'll be available.

Thanks,  
Erinn

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Maximizer | Individualization | Arranger | Positivity | Woo



#1

#1

Approximate training cost \$5,792.82 (with benefits)

15 classes started and ended within the July 1-June 30 window. 283 Officers/Corporals started with 21 not finishing Pre-Service.

Please note that the information provided for previous fiscal years included all employees. Comparatively, FY 16/17 there were 548 new employees and 45 did not finish.

	Total Overtime (q3)										Total NDCS Overtime	Monthly Average	Systemwide Quarterly Average
	CCL	CCO	DEC	LCC	NCW	NCY	NSP	OCC	TSC	WEC			
Jul-16	452.50	295.00	2533.50	5411.50	2494.75	1375.75	11528.25	3570.25	8209.75	356.75	36228.00	3622.80	35229.68
Aug-16	562.00	306.75	1769.50	5264.50	2556.25	1100.25	11171.00	3437.00	7404.25	263.25	33834.75	3383.48	
Sep-16	511.25	448.25	1962.00	5458.28	2348.50	1477.25	11821.25	3695.75	7504.50	399.25	35626.28	3562.63	
Oct-16	448.50	454.25	2149.75	5274.50	2249.50	1614.25	12592.16	3687.50	8711.50	446.25	37628.16	3762.82	34208.72
Nov-16	428.50	341.00	1368.00	4008.25	1856.50	999.50	9642.50	2545.00	5589.50	355.00	27133.75	2713.38	
Dec-16	552.75	543.75	2224.25	6113.50	1788.50	827.75	13576.74	2962.50	8842.00	432.50	37864.24	3786.42	
Jan-17	218.00	415.75	2053.50	4425.50	1257.50	635.75	10039.25	1719.00	6749.75	162.75	27676.75	2767.68	30651.36
Feb-17	223.50	298.00	2567.82	3896.00	1746.25	651.25	10190.00	2137.25	7098.50	247.00	29055.57	2905.56	
Mar-17	356.75	380.75	2785.00	5234.25	1616.75	995.75	11815.00	2572.75	9141.50	323.25	35221.75	3522.18	
Apr-17	568.00	393.00	3142.50	5978.00	2214.75	1490.25	12022.25	3231.00	8421.75	455.00	37916.50	3791.65	35753.75
May-17	395.00	363.50	2220.25	4839.00	2121.25	1208.75	10645.00	2978.75	8651.00	348.75	33771.25	3377.13	
Jun-17	405.25	366.50	2591.50	4382.75	2642.25	1127.25	11397.50	3041.75	9212.75	406.00	35573.50	3557.35	

July 2016-June 2017 \$9,274,928.30—FY 17

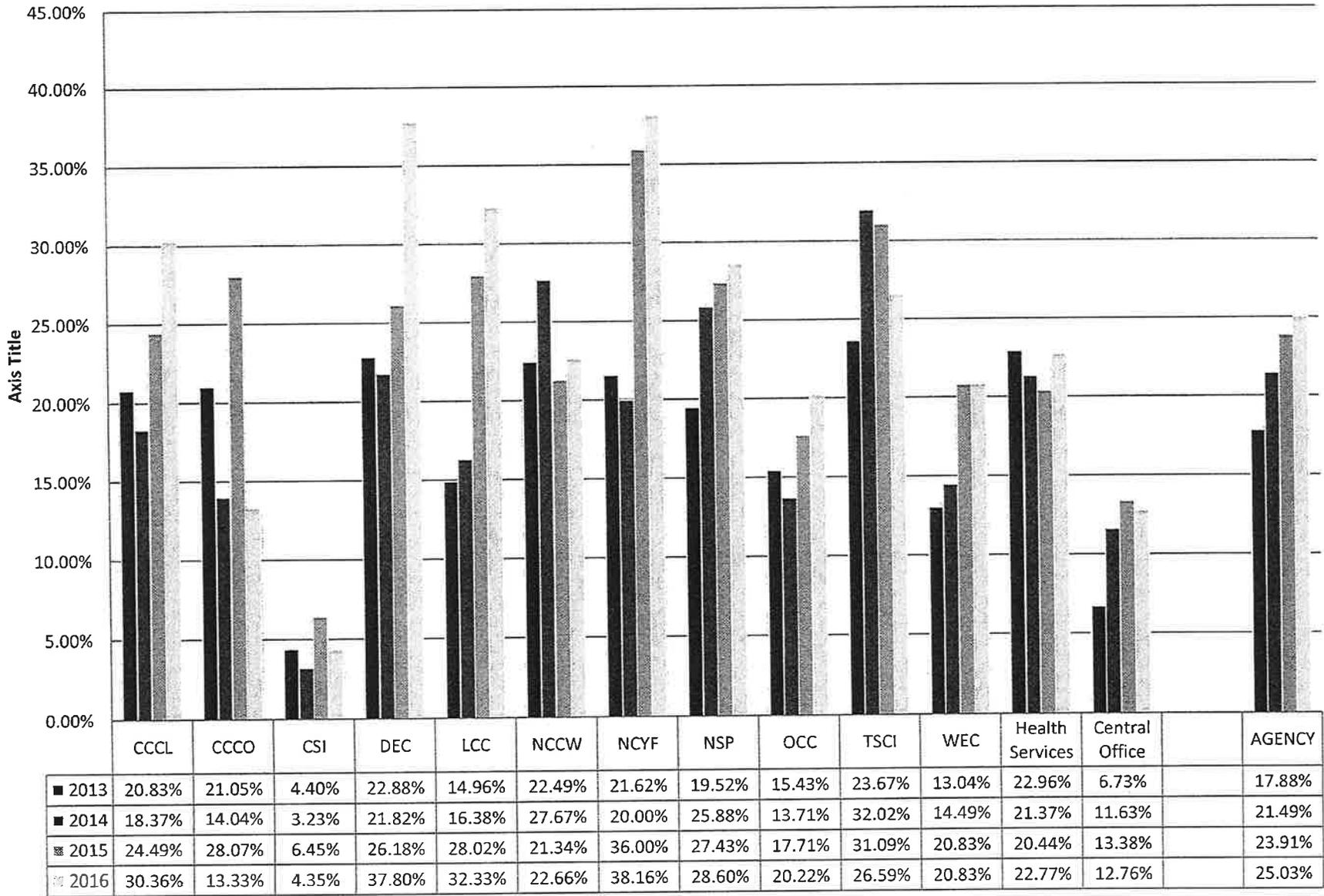
#5

Monthly Protective Services Turnover

	January	February	March	April	May	June	July	August	September	October	November	December	Total
2010	17	13	21	22	17	25	24	20	30	15	13	16	233
2011	23	15	26	18	23	23	30	15	24	23	23	16	259
2012	20	20	20	26	19	31	19	33	20	18	24	16	266
2013	18	21	21	21	25	24	16	27	27	22	25	28	275
2014	25	19	30	25	33	29	46	41	25	29	28	29	359
2015	41	25	45	32	36	40	36	32	24	25	31	20	387
2016	26	21	37	47	40	30	57	42	36	28	29	31	424
2017	26	33	30	37	30	48	0	0	0	0	0	0	204

ATTACHMENT 8

### Agency CY Turnover



## NDCS Report on the Use of Retention Funds

### Final Quarterly Report: April - June 2017

The Nebraska Legislature appropriated \$1.5 million dollars to the Nebraska Department of Correctional Services in April 2016 for the purpose of funding recruitment and retention initiatives within the Department. This report is the fifth and final quarterly retention fund report required by N.R.S. 90-559, covering the period from April 1 through June 30, 2017. The statute includes a requirement for quarterly reports to the Governor and Legislature addressing (1) how the funds are being utilized, (2) the impact of the use of the funds on retention of quality staff, (3) staff vacancy and turnover data and (4) plans for future use of the funds.

#### 1. How the funds are being used: Retention Initiatives

Through the quarter ending on June 30, 2017, the Nebraska Department of Correctional Services (NDCS) expended a total of \$1,519,480 on retention initiatives. Appendix 1 at the end of this report provides a list of the existing projects, their purpose and intended targets, potential outcome measures and expenditures to date. The department has identified four primary areas of focus for the retention initiatives: Training and Professional Development, Stress Reduction and Coping Strategies, Work-Life Balance and Behavioral Health Training. Each of these four subject areas contains one or more retention initiatives. A short description of each of the initiatives is provided below along with an update on implementation to date.

- a. Training and Professional Development - Retaining quality staff includes providing opportunities to acquire new skills, education and training which will allow them to maximize their potential. Below are several strategies being implemented to improve training and professional development opportunities for staff at all levels.
  - i. Professional Development Bonus –The existing tuition reimbursement program has been expanded to cover the cost of the employees attending approved professional development courses as well as provide a bonus to staff for successfully completing the courses. Employees are eligible to receive reimbursement of the cost of the course and a bonus of up to \$500 for successfully completing a professional development course, depending on the number of hours required to complete the course. Due to lower than expected participation in the program and feedback from staff, the department doubled the amounts of the professional development bonus up to \$500 in November 2016.

**Update: Participation in the professional development bonus program slowed during April following a surge in participation after the bonus was increased in November 2016. 113**

**employees completed a professional development course between April and the end of June, increasing the total participants in the program from 535 to 648. The total of bonus payments and reimbursement for tuition through the end of fiscal year 2017 is \$217,711.**

- ii. Behavioral Health Symposium – NDCS, in collaboration with Parole Administration and the Office of Probation Administration, hosted a behavioral health symposium on May 9-10, 2017, to provide professional growth opportunities for NDCS employees, probation and parole staff, and interested community providers.

**Update: The Behavioral Health Symposium was held on May 9-10 and was a resounding success based upon feedback from attendee evaluations. There were over 200 attendees representing NDCS, Probation, Parole and community behavioral health providers and 160 individuals received behavioral health continuing education credits at the event. Retention funds allowed NDCS to provide this unique training opportunity to its behavioral health staff and allowed us to keep costs reasonable for community providers as well. The total expenditure for the symposium was \$24,521.**

- iii. Health Care Staff Continuing Education– Similar to the professional development bonus, this initiative reimburses licensed health care employees for completing required continuing education. Health care continuing education reimbursement is being processed through the department’s tuition reimbursement process which also includes all other tuition reimbursement in the department. Due to lower than expected participation, health services sent out information to staff this spring reminding them that these funds are available for reimbursement of continuing education expenses.

**Update: Through the end of June, health services staff had been reimbursed \$3,044 for CEU expenses.**

- iv. Licensed Alcohol and Drug Counselor Certification – In order to attract and retain Licensed Alcohol and Drug Counselors, reimbursement is being provided to behavioral health staff members who obtain a LADC certification.

**Update: Due to a lack of participation in this initiative (no health care personnel had requested reimbursement for LADC certification), the \$10,000 in funds for this initiative were reallocated to supplement the technology upgrades at the staff training academy.**

- v. Staff Training Academy Technology Upgrades – Providing staff the training and tools to perform their jobs is an important part of employee retention. The department is upgrading technology at the staff training academy to move to computer-based instruction, which will improve the ability to provide enhanced curriculum and materials as well as familiarize staff with the department’s computer systems during pre-service.

**Update: The technology upgrades at STA are complete. Computers were delivered in July and the first computer based pre-service class will start in the near future. The initial estimate for this project was \$75,000 and \$10,000 was reallocated from the LADC reimbursement program in April 2017. The total cost for the upgrades was \$101,431.**

- b. Stress Reduction and Coping Strategies - Correctional employees need techniques and strategies to cope with the unique challenges and stress they experience in the correctional environment. It is a reality that working under a heightened state of alertness in a stressful environment such as corrections can be exhausting and lead to physical and mental health issues. Employees need techniques and strategies to cope with the unique challenges and stress they experience in the correctional environment.
  - i. Resiliency Training - Corrections Fatigue to Fulfillment (CF2F) is a program developed to address the long-term impact on overall health and functioning of corrections staff due to corrections-related workplace stress and issues specific to the prison environment.

More than 500 protective services staff at the Tecumseh State Correctional Institution (TSCI), Nebraska State Penitentiary (NSP) and Lincoln Correctional Center (LCC) received the CF2F training in September and October 2016. Training for members of the department's executive steering council occurred on October 29, 2016.

On December 12-15, 2016, 12 NDCS staff attended a 32 hour instructor training to launch the first step in becoming certified as CF2F instructors. Selection of instructors was completed from an agency-wide recruitment and application process. Individuals selected ranged in all positions including that of mental health practitioner, unit case manager, case worker, corrections corporal, reentry specialist, and chemical dependency counselor.

**Update: The twelve staff trained in December completed their coaching sessions and received their certification in February. The in-house trainers began offering courses in March at facilities for those staff who did not participate in the fall. An additional 259 staff have completed the CF2F course since March, bringing the total number of staff who received this training to date to 646 through the end of FY17. The department will continue to provide CF2F courses at facilities, with the goal of having all protective services employees complete the training. Including CF2F as part of pre-service or as a mandatory in-service is also being looked at as a way to ensure all staff are exposed to this valuable training.**

In February 2017, the department hosted a Blue Courage training at a cost of \$2,500. Blue Courage is an organization focusing on providing training to corrections and law enforcement agencies. The training was focused on helping staff understand and

**recognize the unique situations and stressors that corrections professionals encounter on a daily basis, strategies to prevent and recover from stressful incidents on the job and establishing a culture of dignity, respect and pride in the contribution to public safety corrections staff make each day. The training was very well received and the department is looking at options to provide additional Blue Courage trainings in the future.**

- ii. Staff Support Training - Contracted training provided to victim advocates at each facility to provide an additional support for staff who are struggling with the difficulties of the job. Five victim services staff attended critical incident stress management training provided by the Mental Health Association in September at a cost of \$75 per participant. An additional 10 staff attended this two day training in January bringing the total number of staff advocates who have attended the training to 15.

c. Work-Life Balance

- i. Staff Wellness Centers - Develop wellness centers at NSP and TSCI to provide staff access to exercise equipment, relieve stress and promote engagement.

**Update: The work on the wellness center at NSP is nearly complete, with only finishing work and utility connections remaining. NSP expects to open the center by September 1, 2017. TSCI has identified a location, completed initial renovations and the fitness equipment order has been put out for bid. Estimated completion for the TSCI wellness center is fall of 2017.**

**Total cost for the two projects to date is \$123,392 broken down as follows: NSP - \$89,392, TSCI – \$34,000.**

- ii. Commuting Bonus for TSCI – A monthly commuting bonus is being provided to TSCI employees based on how far they live from the facility. Individuals community over 30 miles to work will received \$30 per month and individuals commuting more than 30 miles received \$60 per month. Employees earning more than \$55,000 are not eligible for the commuting bonus.

**Update: The total payout for commuting bonuses through the end of fiscal year 2017 was \$236,476. The Department is continuing to provide the commuting bonus to TSCI staff through the first quarter of FY 2018 and will review the program at that time.**

- iii. Retention Bonus. On August 30, 2016, the department initiated a \$500 retention bonus for staff in the following job classifications hired prior to January 1, 2016: corrections officer, chemical dependency counselor, registered nurse, corrections corporal, chemical dependency treatment specialist, licensed practical nurse, unit caseworker, licensed mental

health practitioner I & II, and food service specialist.

A total of 955 staff received the bonus in 2016 at a cost of \$477,500. Feedback on the retention bonus has been mixed. Although the department has communicated to team members the bonuses are for high turnover, high vacancy positions, team members who did not receive the bonus have expressed they feel their commitment has not been recognized.

d. Behavioral Health Training

- i. Schema-Focused Training – This is an evidence-based integrated therapy approach that focuses on changing long-standing patterns of thinking which prevent individuals from benefiting from traditional forms of treatment. Forty behavioral health staff attended schema-focused therapy training on September 8-9, 2016 at Southeast Community College at no cost to the department. The department utilized the funds initially allocated to this project to provide a four day training for staff in the good lives model of sex offender treatment in July 2017.
- ii. Good Lives Model Training – Training for clinicians from NDCS, Probation, Parole and Community Providers in the good lives model of sex offender treatment.

**Update: NDCS contracted with Cabot consulting to provide an intensive four day training at Southeast Community College on July 17-21, 2017 at a cost of \$12,653. The training was conducted in collaboration with our partners in Probation and Parole and was open to community providers as well.**

- iii. Violence Reduction Program and Violence Risk Scale Training – Training for clinicians focusing on delivery of violence reduction programming and risk assessment.

NDCS contracted with Psynergy consulting for two international experts on violence reduction programming who delivered three and a half days of training for NDCS staff at the beginning of November 2016. Twenty-eight staff from NDCS and five staff from the Lincoln Regional Center attended the training. The cost of the training was \$34,451, which includes two years of additional technical support.

e. Employer contribution/Administrative Costs

The department provided financial incentives to staff as part of three different retention initiatives: the professional development bonus, the retention bonus and the commuting bonus. Whenever the state provides additional compensation to employees there are associated costs for the employer contribution for retirement, health insurance, life and accident insurance and fica taxes (Social Security and Medicare). The total of these administrative costs for all three of the bonus programs was \$237,105 and is included as the

last line item in Appendix 1.

## **2. Impact of the use of the funds on retention of quality staff**

The initial plan for the use of the retention funds was announced by Director Frakes on June 15, 2016. Since that time the department has monitored participation, listened to feedback from staff, and made changes to tweak programs or reallocate funds as necessary in order to utilize the provided resources in a way that would have the most meaningful impact on staff retention.

Feedback from staff has varied by initiative but has been generally positive. The Corrections Fatigue to Fulfillment training, Blue Courage training and the enhanced professional development bonus programs have received very positive responses. Staff members indicated they appreciate that these issues are being recognized and that the department is listening. The professional development bonus was initially perceived by some staff as too little compensation for the time invested. The department responded to this feedback by increasing the bonus and participation increased from 292 to 535 in the first three months of 2017 and finished with a total of 648 participants.

Staff who participated in the professional development bonus program were required to complete an evaluation and provide feedback on the program. The feedback on the program prior to the increase in the bonus to \$500 in November was that the bonus was too small in comparison to the time commitment required to earn it, particularly in comparison to working overtime for the same amount of time. After the bonus was increased in November of 2016, the feedback was overwhelmingly positive. A more detailed review of the staff feedback for this program is included in table 6 below.

Measuring the impact of these programs on staff retention, particularly for programs that have only been in place for less than a year, has been a challenging process. The analysis presented below was conducted using employee recipient rosters and a roster of all active employees as of July 30, 2017. The information provides useful data related to the participation of NDCS employees in retention-fund sponsored activities, as well as the number of participants still employed with the department. Limitations in the data gathered on program participants and in the human resources information system prevented examinations of length of tenure in a position and comparisons with employees who did not participate in the programs. In spite of these limitations, this report serves as a solid baseline the department and policy makers can use and which will also form the basis for future evaluations to measure the longer term impact of these programs on retention.

### **a. Retention Bonus**

On September 4, 2016, 951 eligible employees were awarded a one-time retention stipend of \$500. Of these recipients, 836 (78.9%) worked in a protective services job classification (unit caseworker, corrections corporal, or corrections sergeant). Eligible employee classifications were Unit Caseworkers, Corrections Corporals, Corrections Officers, Food Service Specialists, Registered Nurses, Licensed Practical Nurses, Chemical Dependency Counselors, Chemical

Dependency Treatment Specialists, Licensed Mental Health Practitioners I, and Licensed Mental Health Practitioners II. As of July 30, 2017, 783 staff members who received a stipend (82.3%) were still employed with the Department. Of those still employed, 121 (15.5%) promoted, transferred positions, or otherwise changed job classifications after receiving the stipend. Table 2, below, shows the distribution of recipients by job classification.

**Table 2: Stipend Recipients by Job Classification**

Job Classification	Received Stipend	Count Employed on July 30, 2017*	Percent Employed on July 30, 2017*
Caseworker	182	141	77.5%
Corporal	443	380	85.8%
Officer	211	165	78.2%
Food Service Specialist	25	22	88.0%
Registered Nurse	21	17	81.0%
Licensed Practical Nurse	10	8	80.0%
Chemical Dependency Counselor	22	20	90.9%
Chemical Dependency Treatment Specialist	11	10	90.9%
Licensed Mental Health Practitioner I	13	8	61.5%
Licensed Mental Health Practitioner II	13	12	92.3%
<b>TOTAL</b>	<b>951</b>	<b>783</b>	<b>82.3%</b>

\*"Employed on July 30, 2017" counts reflect classification at time stipend was awarded. 121 employees promoted, transferred to another NDCS division or facility, or changed job classifications between September 1, 2016 and July 30, 2017.

Of the 951 employees who received the \$500 bonus, 168 (17.7%) subsequently left the department. Of these, 150 were from protective services classifications. The average length of time between receiving the stipend and leaving NDCS employment was 5.7 months. Table 3, below, shows the distribution of employee attrition and length of stay by job classification.

**Table 3: Stipend Recipient Attrition by Job Classification**

Job Classification	Left NDCS	Average Months Employed after Stipend
Caseworker	41	5.1
Corporal	63	6.3
Officer	46	5.0
Food Service Specialist	3	4.4
Registered Nurse	4	6.1
Licensed Practical Nurse	2	1.6
Chemical Dependency Counselor	2	7.1
Chemical Dependency Treatment Specialist	1	5.0
Mental Health Practitioner I	5	7.8
Mental Health Practitioner II	1	Unknown*
<b>TOTAL</b>	<b>168</b>	<b>5.7</b>

\*No employment end date was available for this individual.

With regard to the end of employment conditions for these individuals, approximately 63% resigned with at least two weeks' notice, transferred to another State of Nebraska agency, or retired. About 10.8% of individuals resigned pending internal investigations or were terminated for disciplinary reasons. Table 4, below, shows the primary reasons listed for employee attrition.

**Table 4: Reasons for Stipend Recipient Attrition**

Reason for Leaving	n	%
Resigned with Two Weeks' Notice	86	51.2%
Transfer to Another State Agency	10	6.0%
Retirement	10	6.0%
Resigned with Less than Two Weeks' Notice	24	14.3%
Resigned Pending Investigation	9	5.4%
Disciplinary Termination	9	5.4%
Could Not Perform Job Duties	3	1.8%
Other	17	10.1%
<b>TOTAL</b>	<b>168</b>	<b>100.0%</b>

b. From Corrections Fatigue to Fulfillment Training

A second initiative funded through the retention appropriation was resiliency training, sponsored by Desert Waters Correctional Outreach. From Corrections Fatigue to Fulfillment is an 8-hour training course that identifies the negative effects of repeated and continual exposure to workplace stressors and provides staff with coping strategies and ways to increase the quality of their job. From Corrections Fatigue to Fulfillment training began in September of 2016 with selected participants attending additional certification courses as trainers to ensure a cost-effective method of internal sustainability.

A total of 634 individuals participated in Desert Waters Correctional Outreach training between September 12, 2016, and June 17, 2017. Twelve staff members also completed a 32 additional hours of training to become certified CFF presenters. As of July 30, 2017, 559 staff members who participated in the training were still employed with the department (88.2%). Table 5, below, provides the number of staff trained each month and the number of trained staff retained as of July 30, 2017.

**Table 5: Training Participants by Month**

Training Month	Count of Employees Trained	Count Employed on July 30, 2017	Percent Employed on July 30, 2017
September 2016	171	142	83.0%
October 2016	295	267	90.5%
November 2016	83	68	81.9%
March 2017	41	38	92.7%
June 2017	44	44	100.0%
<b>TOTAL</b>	<b>634</b>	<b>559</b>	<b>88.2%</b>

c. Professional Development Bonus

The professional development bonus was announced on June 15, 2016, and provided staff the opportunity to earn additional compensation for completing approved training courses by June 30, 2017. This bonus also provided reimbursement for the cost of the course, if applicable. The compensation bonus was originally limited to \$250 per employee, but was increased to \$500 on November 30, 2016.

Between June 15, 2016 and June 30, 2017, 544 unique NDCS staff members participated in the professional development bonus. As of July 30, 2017, 457 staff members who received a professional development bonus (84.0%) were still employed with the Department. Regarding the overall utility of the programs offered, 89.1% of respondents (n=805) on satisfaction surveys indicated that the class met their expectations, 88.8% (n=803) agreed that the topics covered in the course were relevant to them, and 87.8% (n=794) noted that the content of the course they took was organized and easy to follow. This information is displayed further in Table 6, below.

**Table 6: Professional Development Satisfaction Survey Responses**

Course Qualities	Strongly		Neutral	Disagree	Strongly Disagree
	Agree	Agree			
The Class Met My Expectations	230	575	94	3	1
The Topics Covered were Relevant to Me	283	520	93	7	1
The Content was Organized and Easy to Follow	295	499	96	11	3

d. Summary

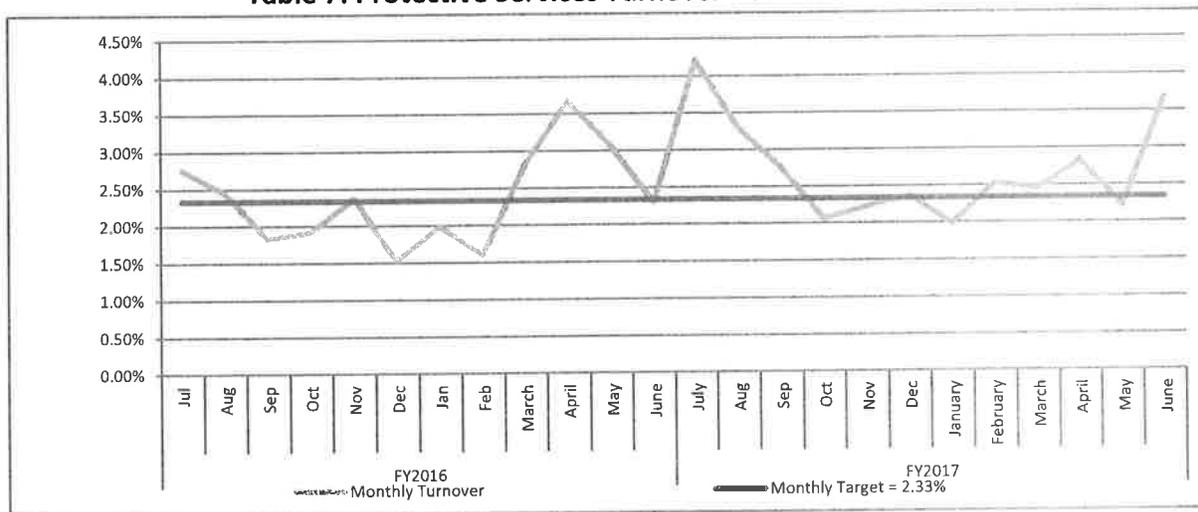
On average, over 80% of all NDCS staff members who received direct compensation and/or training provided by the use of retention fund appropriations were employed by NDCS on July 30, 2017. In addition, satisfaction surveys indicate that staff overwhelmingly found the materials offered to them to meet their expectations, provide information relevant to their jobs, and easy to understand. The department will continue to evaluate the impact of these initiatives on employee retention as more time passes and additional data becomes available.

Section three, below, documents agency turnover information for the period during which the retention initiatives have been in place. While the overall turnover situation has not improved significantly during the year the retention funds were provided, the department is confident the programs supported by the retention funds have had a positive effect on employee engagement and retention. There are also other factors such as the pay increase for some protective services staff in November 2016 and the low unemployment rate in Nebraska which impact the analysis employees make when choosing to remain employed in a job and make it difficult to isolate the unique impact the retention initiatives are having on overall retention rates.

**3. Staff Vacancy and Turnover Data**

The first quarterly report provided a baseline for evaluating the impact of the retention funds on turnover and vacancies. Table 7 contains the monthly turnover rate for protective services employees for all of FY 2016 and FY 2017.

**Table 7: Protective Services Turnover – FY 2016 - FY 2017**



Protective services turnover and agency turnover as whole remain a priority for the department. Protective services turnover was at or below the monthly turnover target of 2.33% for the last three months of 2016. The positive trend continued through the first quarter of 2017, with January turnover at 1.99%, February at 2.52% and March at 2.33%. Protective services turnover is on an upward trend over the last quarter with April (2.83%) and June (3.86%) exceeding the monthly target. Table 8 provides monthly turnover for the agency since 2015.

**Table 8: NDCS Agency Turnover 2015-2017**

Year	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
2015	50	44	54	47	61	56	52	46	38	35	42	40	565
2016	37	30	54	59	55	53	72	61	52	54	39	47	613
2017	40	57	47	49	49	68							307

Table 9 documents monthly protective services turnover during the same time period and Table 10

contains year-to-date agency-wide turnover information for calendar year 2017. Protective services is the highest need area in the agency from a staffing perspective and has been the main focus of the department's retention efforts.

**Table 9: NDCS Monthly Protective Services Turnover 2010-2017**

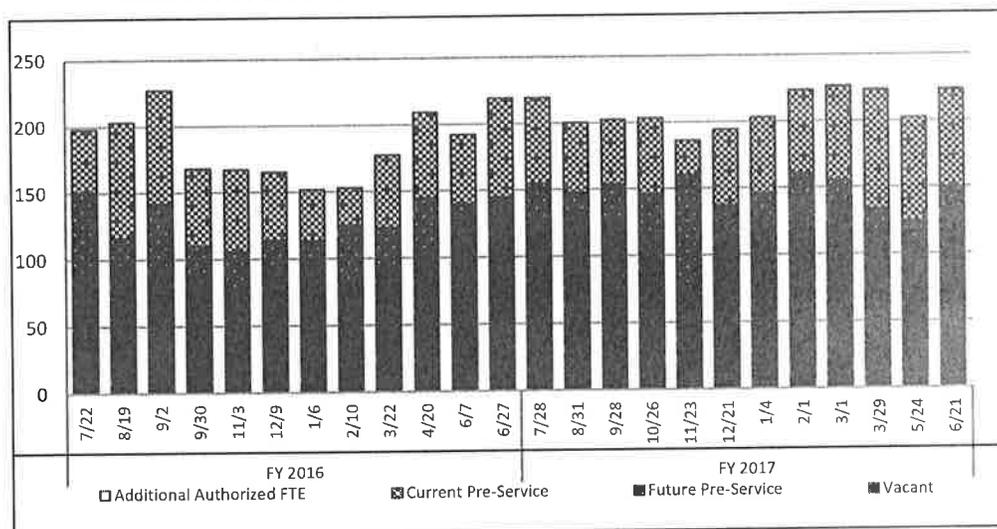
Year	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
2015	41	25	45	32	36	40	36	32	24	25	31	20	387
2016	26	21	37	47	40	30	57	42	36	28	29	31	424
2017	26	33	30	37	30	48							204

**Table 10: Agency Turnover Rates 2017**

	T/O YTD	Auth FTE	T/O Rate
Total Turnover Rate for Protective Services:	204.00	1,305.00	15.63%
Total Turnover Rate for Nurses:	8.00	47.50	16.84%
Total Turnover Rate for Education:	2.00	27.00	7.41%
Total Turnover Rate for Other:	93.00	975.00	9.54%
Total Projected Annual Turnover Rate for Protective Services:			31.26%
Total Projected Annual Turnover Rate for RN's & LPN's:			33.68%
Total Projected Annual Turnover Rate for Education:			14.81%
Total Projected Annual Turnover Rate Other:			19.08%
Total Agency Turnover Rate:	307.00	2,354.50	13.04%
Total Projected Agency Turnover Rate:			26.08%

Table 11 provides protective services vacancy information for FY2016 and FY 2017 and Table 12 below provides protective services monthly vacancies by facility and the agency as a whole.

**Table 11: Protective Services Vacancies FY 2016 – FY2017**



**Table 12 Protective Services Vacancies by Facility FY2016 and FY2017**

FY	Quarter	Analysis Date	CCL	CCO	DEC	LCC	NCW	NCY	NSP	OCC	TSC	WEC	Central	Hth Svc	CSI	NDCS	
FY 2016	Q1	6/30/2015	7	1	15	18	5	2	32	3	40	3	0	0	0	126	
		7/22/2015	2	2	11	9	5	2	22	3	38	0	1	0	0	95	
		8/5/2015	1	1	10	14	4	2	31	2	40	1	1	4	0	111	
		8/19/2015	2	1	5	10	3	0	24	2	40	1	1	1	1	91	
		9/2/2015	1	0	7	8	4	0	21	4	43	1	1	1	1	92	
		9/16/2015	1	0	5	11	3	2	21	2	39	1	1	1	0	87	
	Q2	9/30/2015	2	0	7	11	1	0	25	3	36	1	2	0	0	88	
		11/3/2015	1	0	7	10	1	0	15	2	40	0	2	0	1	79	
		11/25/2015	1	0	13	14	1	0	18	3	48	0	2	0	1	101	
		12/9/2015	0	0	13	11	0	0	15	1	45	1	1	0	1	88	
		12/23/2015	1	0	8	12	1	0	17	2	50	2	1	0	0	94	
		1/6/2016	1	0	5	14	1	1	17	4	51	3	1	0	0	98	
	Q3	1/24/2016	0	1	3	10	1	0	19	2	50	3	1	0	0	90	
		2/10/2016	0	0	3	12	2	0	12	2	43	3	1	0	0	78	
		2/25/2016	0	1	7	10	1	0	18	2	39	4	0	0	0	82	
		3/22/2016	0	1	5	12	0	0	22	3	44	3	0	0	0	90	
		4/20/2016	1	0	11	15	3	0	19	3	46	3	0	0	0	101	
		6/7/2016	0	0	10	15	5	2	19	8	67	4	0	0	0	130	
	FY 2017	Q1	6/27/2016	0	0	11	19	4	6	23	7	69	5	0	0	0	144
			7/14/2016	1	1	10	18	1	4	17	7	64	4	0	0	0	127
			7/28/2016	2	1	11	11	2	3	19	8	62	6	0	0	0	125
			8/17/2016	2	0	7	10	3	1	20	6	67	5	0	0	0	121
			8/31/2016	1	0	8	11	2	2	30	7	70	3	0	0	0	134
			9/14/2016	1	0	10	10	3	2	22	7	73	1	0	0	0	129
Q2		9/28/2016	0	0	10	12	3	2	21	3	77	1	0	0	0	129	
		10/26/2016	1	0	12	12	4	1	25	3	69	1	0	0	0	128	
		11/9/2016	0	0	11	15	1	1	27	5	67	2	0	0	0	129	
		11/23/2016	0	0	12	19	2	1	19	6	27	1	0	0	0	87	
		12/7/2016	0	0	15	26	2	3	28	9	57	1	0	0	0	141	
		12/21/2016	0	0	18	22	3	3	25	12	53	1	0	0	0	137	
Q3	1/4/2017	0	0	21	24	3	1	27	10	53	1	0	0	0	140		
	1/18/2017	0	0	20	26	2	1	28	2	50	1	0	0	0	130		
	2/1/2017	3	0	16	27	4	1	36	5	49	2	0	0	0	143		
	2/15/2017	3	0	19	24	4	1	34	2	49	3	0	0	0	139		
	3/1/2017	2	0	12	25	6	2	30	4	54	3	0	0	0	138		
	3/15/2017	1	0	7	15	5	0	26	3	54	1	0	0	0	112		
Q4	3/29/2017	1	0	10	20	5	0	21	2	53	1	0	0	0	113		
	4/12/2017	1	0	11	10	8	0	25	2	60	1	0	0	0	118		
	4/26/2017	0	0	11	6	5	0	29	3	54	1	0	0	0	109		
	5/10/2017	0	0	10	7	3	0	34	4	49	2	0	0	0	109		
	5/24/2017	0	0	4	5	5	0	34	5	53	2	0	0	0	108		
	6/7/2017	0	0	6	6	4	0	40	4	57	1	0	0	0	118		
		6/21/2017	0	0	8	9	4	0	45	3	59	0	0	0	128		

The number of vacant protective services positions agency wide improved slightly over fiscal year 2017 with 143 vacancies on 6/27/16 and 128 on 6/21/17. Vacancies decreased at all facilities except NSP over FY17 and there were fewer than ten vacancies at all NDCS facilities except TSCI and NSP at the end of the FY17. The overall trend remains flat, however, and protective services vacancies are still a significant issue, particularly at TSCI and NSP. TSCI saw a small decrease from 69 to 59 vacancies while NSP saw an increase from 23 to 45 vacancies over FY17.

The department is continuing to explore new ideas to improve retention at NSP and TSCI and address this difficult issue. While the retention data to date may not indicate significant improvement in vacancies or turnover at NSP and TSCI, the programs have only been in place for a short time and it is too soon to measure the complete impact these programs are having. Based upon employee feedback and the initial retention data, the department is confident that the situation would be worse had the retention initiatives not been launched and is appreciative of the Legislature providing funding to help address the issue.

The department has also focused on recruitment and retention in behavioral health over the past year. Progress has been made in filling vacant behavioral health leadership positions. The department has filled the assistant administrator for mental health and the assistant administrator

for sex offender services, a psychologist dedicated to restrictive housing at TSCI and a psychologist for the residential substance abuse program at NSP. While we still are having issues filling psychiatry, mid-level provider and substance use counselors, the progress made in filling the vacant leadership positions are reason for cautious optimism.

In June 2017 Correct Care Solutions cancelled its contract to provide medical services at TSCI effective July 24, 2017. The contract was for medical personnel and did not affect behavioral health positions at TSCI. It does, however, create additional positions the department will have to fill through new agency contracts or new hires.

While the department cannot definitively attribute the progress in filling behavioral health positions to the retention initiatives, the feedback we have received to date indicates they have played a part in retaining existing employees and sending the correct message to potential new hires. The department is hopeful these initiatives will continue to make progress in addressing our protective services and behavioral health vacancies, reducing the need for mandatory overtime.

#### **4. Plans for the future use of the funds**

The one time appropriation of \$1.5 million for retention has been expended and this is the final retention report required by N.R.S. 90-559. The department, however, will continue to monitor and evaluate the success of the retention initiatives as it will take time to measure the true impact on retention over time. This will allow us to identify the most effective investments of resources for any future retention initiatives. Outside of the direct impacts on retention and recruitment, the process of identifying potential uses, developing programs, and soliciting and reacting to feedback from employees has been beneficial.

The focus on employee engagement and retention has also heightened awareness of the issue and sends the message to staff that the department and external stakeholders take this issue seriously. Addressing these issues through a one-time appropriation was challenging in terms of determining how the funds could be utilized most effectively. It quickly became clear, however, that the benefits in sending the right message to staff and encouraging professional development will serve the department well for years to come.

Appendix 1 outlines the existing initiatives, expenditures to date, and the outcome measures used to evaluate their effectiveness.

### APPENDIX: NDCS RETENTION INITIATIVES

Strategy	Intended Target	How it Works	How it Impacts Retention	Potential Measure	Estimated Cost	Progress/Expenditures to Date
Professional Development Stipend	Protective Services	Design process to provide stipend when staff complete online training courses	Encourage professional development; Shows commitment to staff and recognition that new skills are valuable;	Measure retention for employees taking advantage of professional development.	\$300,000	648 staff completed professional development courses and received the stipend \$217,711
Resiliency Training	Protective Services	"Corrections Fatigue to Fulfillment" is a program developed to address the long term impact on overall health and functioning of corrections staff due to corrections- related workplace stress, the issues specific to the prison environment	The skill-building exercises teach employees to cope with the stressors and/or trauma experienced on the job, which means they will be better equipped to handle the stress of the job, they react to situations better, they and provides	Feedback from staff on training; Measures retention of participating staff.	\$50,000	Training was provided to staff at NSP and LCC in September, TSCI in October and Executive Staff in November 2016. NDCS staff was trained to deliver the program in December 2016. \$49,993
Peer Support Training	Victim Advocates	Contracted training would be provided to the victim advocates at each facility to provide an additional support for staff who are struggling with the difficulties of the job	Provide a level of support for staff outside of their normal supervisory structure where they may be more comfortable sharing issues w/ peers;	Staff surveys re: support services Retention rates for participating employees	\$25,000	5 staff attended CISM training in Sept and 10 more attended in January \$1,500
Staff Wellness Center (onsite TSCI/NSP)	All facility staff	Develop wellness centers to provide staff access to exercise equipment, relieve stress and promote engagement.	This is a need identified by staff which will provide an onsite stress relief opportunity and potentially save employees \$ by not having to pay for a gym membership.	Facility usage rates and employee feedback Retention rates at facilities where they are provided	\$200,000	NSP – Work nearly complete, completion date 9/1/17. \$89,392 (NSP) TSCI – Work underway, equipment let for bid.. \$34,000 (TSCI) Total – \$123,392
Commuting Stipend for TSCI	TSCI Staff	Provide a monthly commuting stipend to TSCI employees based on how far they live (by Zip Code) from TSCI. \$50 > 30 miles, \$25 <30 miles	Travel time and cost have been identified as two factors affecting recruitment and retention at TSCI.	TSCI retention rates	\$250,000	\$236,176
Technology Upgrades at STA	All Staff	Upgrade Technology at the Staff Training Academy to move to electronic materials	Better prepare staff for use of our computer and data systems. Improve staff engagement by providing the tools and training they need to do their job effectively.	Staff retention - completing probation, and staying 1 yr after going thru updated academy) Employee feedback	\$85,000	80 Laptops, Monitors, Tables and PA system ordered. Electrical completed. First computer based academy started \$101,431
Retention Bonus	Select Job Classifications	Staff in the flowing job classifications hired prior to Jan 1, 2016 receive a \$500 retention bonus.	Recognize and reward the service of long term staff in high turnover positions	Staff retention – Turnover in identified job classifications. Employee feedback.	\$400,000	\$477,500 955 employees received the retention bonus in September 2016
<b>Subtotal</b>					<b>\$1,310,000.00</b>	<b>\$1,207,703</b>

### NDCS HEALTH SERVICES RETENTION INITIATIVES

Strategy	Intended Target	How it Works	How it Impacts Retention	Potential Measure	Estimated Cost	Progress/Expenditures to Date
Licenses	Dually Licensed Staff	Reimbursing Medical Staff for the costs to maintain licensure beyond their primary license.	This is in addition to what we currently reimburse in licenses	Participation Rate Retention rate for participating staff Employee Engagement	\$10,000.00	Eligible health care staff have been notified that reimbursement is available.  \$3,044
Schema-focused training	LADC, LMHP, PhD	Evidence based integrated therapy approach that focuses on changing long-standing patterns of thinking that prevent individuals from benefiting from traditional forms of treatment.	Provides additional skills/tools to BH staff for dealing with the most difficult inmates and alternative approaches that may be more effective with all clients.	# of staff who participate and complete training Retention rate for participating staff Employee Engagement	\$10,000.00	Training occurred on September 8- 9th, 2016 at no cost to the Dept.
Violence Reduction Training	BH Staff	Training for BH staff on delivery of violence reduction programming from recognized experts in the field.	Helps staff address the needs of high risk patients and provides tools for working with violent inmates to create a safer work environment	# of staff completing the training # of patients successfully completing VRP	\$35,000.00	Two trainings conducted for 28 NDCS and 5 Regional Center staff in November and contract for two years of technical support. \$34,451
Behavioral Health Symposium	All BH staff, re-entry staff	Host symposium to provide professional development and CEUs, could be used as recruiting tool as well. Costs include venue, staff travel, materials	Educates staff, policymakers, stakeholder and potential employees of the work NDCS behavioral health does; Professional development, education on best practices	# of New applicants from contacts at Conference Engagement of existing BH Staff Positive press on work of NDCS behavioral health staff	\$35,000.00	BH Symposium scheduled for May 9- 10, 2017 at Embassy Suites, Papillion-La Vista. Final Budget \$24,521.
Sex Offender Treatment Training in Good Lives Model	BH Staff	Host a 4 day training for treatment providers from NDCS, probation, parole and the community at Southeast Community College	Provide new skills to BH staff and provide training to community providers in the good lives model as potential recruitment tool.	BH Retention and recruitment	\$10,000	Training provided on July 17-21 to 35 participants.  \$12,653
Pay for professional CEUs	All licensed staff	Reimbursement for CEUs	Encourage professional development; Shows commitment to staff and recognition that new skills are	HC Staff retention rates # of CEU credits earned	\$100,000.00	These expenditures are currently included within the professional development stipend line item.
<b>Subtotal</b>					\$200,000.00	\$74,669
Administrative Costs of financial incentives		Taxes, FICA, Health Insurance, and Retirement costs associated with financial incentives paid to staff during FY 2017				237,105
<b>TOTAL</b>					\$1,500,000.00	\$1,519,477

DOUG KOEBERNICK  
Inspector General



STATE OF NEBRASKA  
OFFICE OF INSPECTOR GENERAL OF CORRECTIONS  
State Capitol, P.O. Box 94604  
Lincoln, Nebraska 68509-4604  
402-471-4215

**Memorandum**

To: Judiciary Committee  
Appropriations Committee  
From: Doug Koebernick, Office of Inspector General  
Re: Nebraska Overcrowding  
Date: April 13, 2017

Since there has been a lot of discussion on the overcrowding at the facilities within the Nebraska Department of Correctional Services lately, I thought I would put several documents together for your review.

The first (A) is a snap shot of the population at each facility within our system on April 7, 2017. This is the date of the events that took place at the Diagnostic and Evaluation Center. There are a couple of things that might catch your eye. First, DEC was operating at over 300% of design capacity last week. I'm including a chart (B) that shows their change in population over the last couple of years. You will also see a number of facilities that are close to operating at 200% of their design capacity.

I'm also including a table (C.) showing that Nebraska was the fourth most overcrowded correctional system at the end of 2015. It appears likely that Nebraska has now moved to being the second most overcrowded system (though I'm waiting on Delaware's data). I thought this would give you an idea of how we compare to other states as far as overcrowding. A document (D) is attached that shows all of the state totals from the Bureau of Justice Statistics.

Something that will need to be watched in the coming months is the use of the new classification tool by the Department. This is the tool that determines whether someone is classified as maximum, medium, minimum, or community custody. Currently, over half of the inmates in the system are classified as maximum or medium. So far preliminary data has shown that there will be a shift to more inmates being classified as community or minimum custody. If this continues, it might end up showing a need for more community custody beds and could result in more individuals being paroled. This could eventually result in the need for more parole officers. This is something that I will be following closely and will keep you updated as it progresses.

Finally, I am in the middle of sending out my second annual survey to correctional employees. So far, about 300 staff have responded to it and not everyone has received it. Even though it is preliminary I am attaching a copy of the responses. There are a number of opportunities for staff to provide written answers and these have been particularly enlightening. If you would like to see last year's survey or have questions about this year's survey please let me know.

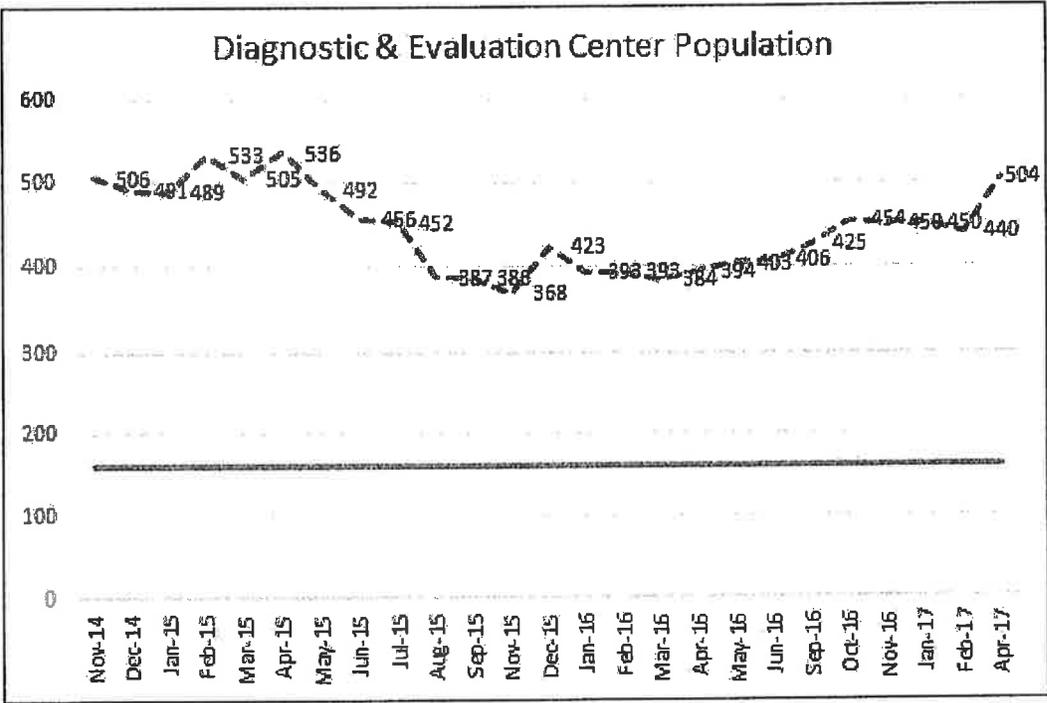
As always, please contact me if you have any questions on these or any other correctional issues.

A

COUNT ON APRIL 7, 2017

	Population	Design Capacity	% of Design Capacity
CCC-L	386	200	193%
CCC-O	169	90	188%
DEC	484	160	303%
LCC	514	308	167%
NCCW	347	275	126%
NCYF	55	68	81%
NSP	1337	718	186%
OCC	775	396	196%
TSCI	1026	960	107%
WEC	171	100	171%
County Jail	63	0	#DIV/0!
Total	5327	3275	163%

B



C

Custody population as a percent of their lowest capacity		
	Dec-15	Most Recent Data
Alabama	186%	176%
Illinois	165%	156%
Hawaii	164%	140%
Nebraska	157%	163%
Delaware	155%	152%

D

**APPENDIX TABLE 1**  
**Prison facility capacity, custody population, and percent capacity, December 31, 2015**

Jurisdiction	Type of capacity measure			Custody population	Custody population as a percent of—	
	Rated	Operational	Design		Lowest capacity <sup>a</sup>	Highest capacity <sup>a</sup>
Federal <sup>b</sup>	134,461	...	...	160,946	119.7%	119.7%
Alabama <sup>c</sup>	...	25,763	13,318	24,814	186.3	96.3
Alaska <sup>d</sup>	...	5,352	...	5,247	98.0	98.0
Arizona	37,238	43,747	37,238	35,733	96.0	81.7
Arkansas	16,194	16,233	15,382	15,784	102.6	97.2
California <sup>e</sup>	...	127,482	87,287	116,569	133.5	91.4
Colorado	...	14,584	14,584	15,972	109.5	109.5
Connecticut	/	/	/	15,500	/	/
Delaware <sup>c</sup>	5,500	5,210	4,161	6,437	154.7	117.0
Florida <sup>e</sup>	...	105,351	...	99,485	94.4	94.4
Georgia <sup>e</sup>	59,332	53,961	...	52,002	96.4	87.6
Hawaii	...	3,527	2,491	4,073	163.5	115.5
Idaho <sup>e,f</sup>	6,903	...	...	7,238	104.9	104.9
Illinois <sup>g</sup>	31,864	31,864	27,981	46,240	165.3	145.1
Indiana	...	30,020	...	26,586	88.6	88.6
Iowa <sup>g</sup>	7,322	7,322	7,322	8,230	112.4	112.4
Kansas	9,180	9,514	9,164	9,533	104.0	100.2
Kentucky <sup>f</sup>	14,349	14,349	14,349	11,959	83.3	83.3
Louisiana <sup>e</sup>	18,121	15,524	16,764	18,447	118.8	101.8
Maine	2,256	2,478	2,478	2,190	97.1	88.4
Maryland <sup>h</sup>	...	23,025	...	20,921	90.9	90.9
Massachusetts	...	...	7,728	9,493	122.8	122.8
Michigan <sup>c</sup>	44,734	43,996	...	42,628	96.9	95.3
Minnesota	...	9,454	...	9,578	101.3	101.3
Mississippi <sup>e</sup>	...	23,516	...	13,967	59.4	59.4
Missouri <sup>c</sup>	...	32,241	...	32,295	100.2	100.2
Montana	1,692	...	...	1,686	99.6	99.6
Nebraska <sup>c</sup>	...	4,094	3,275	5,133	156.7	125.4
Nevada <sup>i</sup>	/	/	/	13,235	/	/
New Hampshire	2,583	2,700	1,966	2,661	135.4	98.6
New Jersey	17,427	18,605	23,152	17,431	100.0	75.3
New Mexico	7,093	7,882	7,882	4,078	57.5	51.7
New York	51,480	51,676	50,957	51,485	101.0	99.6
North Carolina	...	43,815	37,503	36,888	98.4	84.2
North Dakota	...	1,353	1,353	1,345	99.4	99.4
Ohio <sup>j</sup>	34,986	...	...	46,190	132.0	132.0
Oklahoma	16,529	19,497	16,529	19,875	120.2	101.9
Oregon <sup>l</sup>	...	...	14,997	14,655	97.7	97.7
Pennsylvania	48,025	48,025	48,025	48,241	100.4	100.4
Rhode Island	3,989	3,774	3,973	2,982	79.0	74.8
South Carolina	...	23,156	...	20,457	88.3	88.3
South Dakota <sup>c</sup>	...	3,594	...	3,514	97.8	97.8
Tennessee	15,836	15,416	...	14,628	94.9	92.4
Texas <sup>c</sup>	160,017	153,789	160,017	138,199	89.9	86.4
Utah	...	7,191	7,431	4,831	67.2	65.0
Vermont <sup>l</sup>	1,681	1,681	1,322	1,509	114.1	89.8
Virginia	...	29,633	...	30,430	102.7	102.7
Washington	...	16,828	...	17,222	102.3	102.3
West Virginia	5,159	5,987	5,159	5,925	114.8	99.0
Wisconsin	...	22,896	17,181	22,914	133.4	100.1
Wyoming	2,288	2,288	2,407	2,133	93.2	88.6

Note: Jurisdiction refers to the legal authority of state or federal correctional officials over a prisoner, regardless of where the prisoner is held.

... Not available. Specific type of capacity is not measured by state.

/Not reported.

<sup>a</sup>Counts are based on prisoners with sentences of more than 1 year. Excludes prisoners held in local jails, other states, or private facilities unless otherwise stated. Lowest capacity represents the minimum capacity estimate submitted by the jurisdiction, while highest capacity represents the maximum capacity estimate. When a jurisdiction could only provide a single capacity estimate, it was used as both lowest and highest capacities.

<sup>b</sup>Due to differences in the dates when data were extracted, the federal custody count reported for the calculation of capacity includes 258 prisoners, compared to the yearend custody reported in National Prisoner Statistics (NPS) data.

<sup>c</sup>State defines capacity differently than BJS. See *Jurisdiction notes*.

<sup>d</sup>State did not submit 2015 capacity data to NPS. Counts were Imputed. See *Methodology*.

<sup>e</sup>Private facilities included in capacity and custody counts.

<sup>f</sup>Counts for 2015 are not comparable to prior years due to a change in reporting methodology. See *Jurisdiction notes*.

<sup>g</sup>Both capacity and custody counts exclude prisoners in community-based work release facilities.

<sup>h</sup>Capacity estimate includes some beds used for pretrial prisoners not reflected in custody count.

<sup>i</sup>State did not submit 2015 NPS custody or capacity data. Custody count was Imputed. See *Methodology*.

<sup>j</sup>State did not submit 2015 NPS capacity data. Data are from 2014 or state sources. See *Methodology*.

Source: Bureau of Justice Statistics, National Prisoner Statistics, 2015.



Doug Koebernick &lt;dkoebernick@leg.ne.gov&gt;

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**straight time overtime - exempt staff**

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**Criner, Erinn** <erinn.criner@nebraska.gov>  
To: "Criner, Erinn" <erinn.criner@nebraska.gov>

Thu, Aug 17, 2017 at 11:57 AM

Today, the Nebraska State Penitentiary and the Tecumseh State Correctional Institution are experiencing high vacancies, which results in more of our team members being required to work mandatory overtime.

We continue to actively recruit staff. The Omaha Correctional Center and Nebraska Correctional Youth Facility are providing 10 staff daily who will work in Tecumseh. Even with these staff members, we will still need additional volunteers for overtime to avoid mandatory overtime.

Until further notice, overtime exempt employees who meet the qualifications to fill posts for correctional officers, corporals and/or caseworkers will be allowed to earn straight time overtime. This applies only to posts that would otherwise have required NSP and TSCI officers, corporals and unit caseworkers to work mandatory overtime.

This overtime will be in addition to your normally scheduled shift and you must be available to work a minimum of four hours. Travel time will not be included in the straight time overtime payment. Eligible staff from any NDCS institution or Central Office may volunteer at NSP or TSCI.

The overtime you work is only in lieu of mandatory overtime and all existing provisions regarding assignment of voluntary overtime apply. Staff working straight time overtime may not "bump" other staff out of posts. The goal is to reduce mandatory overtime and support our front line staff.

Please contact the Lieutenant's office at NSP (402-471-3161) or TSCI (402-335-5132) and ask to speak with the shift supervisor.

Thank you for your willingness to serve the agency and your team members by providing them relief from mandatory overtime.

**Erinn Criner***Human Talent Director* | CENTRAL OFFICE

ATTACHMENT 12

## Memorandum

To: LR 34 Committee  
Speaker Galen Hadley  
Senator Dan Watermeier  
Senator Dan Hughes  
Senator Mark Kolterman  
Senator Kathy Campbell

From: Doug Koebernick, Office of Inspector General

Re: NDCS Staff Survey Results

Date: January 11, 2016

### Background

In order to gain insight from the employees of the Nebraska Department of Correctional Services (NDCS) and to introduce them to the Office of Inspector General of Corrections, a Google survey was provided to the staff during the month of December. It was patterned after a similar survey provided to the staff at the Beatrice State Developmental Center in 2008/09 as part of the legislative work of the Developmental Disabilities Special Investigative Committee.

### Survey Process and Response Rate

The first group of staff that the survey was distributed to was anyone with an email address that was listed as working for a correctional facility. There were 1035 individuals who received an email with the survey. Over 51% of those individuals responded to the survey.

The second group of staff that the survey was distributed to was anyone with an email address that was listed as working for "Correctional Services Administration." The survey was sent to 404 individuals who were listed under this category. This category would include a variety of individuals including those who work at facilities for the Division of Health Services. Over 35% of those individuals responded to the survey.

Not everyone at NDCS has an email address so in the message to the staff they were asked to share the survey with those who did not have email. Some mailed in a completed survey and others utilized the link to the survey that was provided by their co-worker via a personal device. There was nothing that limited staff from responding more than once so it is possible that some people may have responded more than one time.

### Survey Results

Attachment 1 has the results for the first group that received the survey. The first question that was asked regarded where they worked. Using this information a spreadsheet (Attachment 2)

was created that provides the results for each of the facilities. The spreadsheet also includes the overall facility results and the administration results.

Nearly all of the questions included the option of selecting "other" for an answer. In those cases, staff provided their own answer. This provided a great deal of additional insight regarding their experiences. If you would like to learn more about those answers please contact me.

The survey met the goals of gaining valuable insight from NDCS staff and introducing the Office of Inspector General to these staff. The actual surveys were shared with the Director of NDCS in December and the final results have also been shared with the Director.

### **NDCS Culture Survey**

Last July, the Director of NDCS announced that a culture study would be done throughout NDCS. He recently set out an email to NDCS staff that provided an update on the survey. In the email he stated that the interviewing process (they are interviewing over 300 staff members) was nearly done and that once the research team completed their analysis a report will be completed and shared with the NDCS staff. At that time he will also share any plans for follow-up action.

### **Future Surveys**

My intent is to send out similar surveys on a regular basis in order to gain additional insight and to keep in contact with the staff. Consideration is also being given to surveying inmates during the upcoming months.

If you have any input or feedback that you would like to provide it would be greatly appreciated.

# 606 responses

[View all responses](#)

## Summary

### Which facility do you work at within the Nebraska Department of Correctional Services?



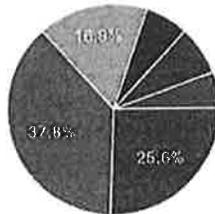
Central Office	12	2.3%
TSCI	101	19.2%
NSP	77	14.6%
CCC-L	21	4%
DEC	32	6.1%
CCC-O	15	2.8%
OCC	75	14.2%
LCC	55	10.4%
WEC	18	3.4%
NCCW	42	8%
NCYF	59	11.2%
Parole Administration	0	0%
Board of Parole	0	0%
Other	20	3.8%

### How long have you been employed by NDCS?



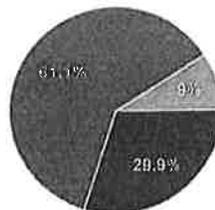
Less than a year	30	5.7%
1-3 years	112	21.4%
4-8 years	119	22.8%
9-15 years	123	23.5%
More than 15 years	139	26.6%

### In the past two weeks, how much overtime have you worked?



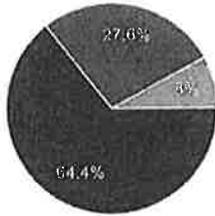
None	135	25.6%
1-8 hours	199	37.8%
9-16 hours	89	16.9%
17-24 hours	35	6.6%
more than 24 hours	40	7.6%
Other	29	5.5%

### Do you believe the starting salary you were provided when you began at the Department was appropriate for your position?



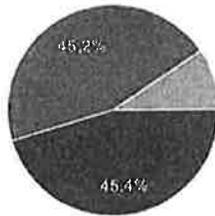
yes	157	29.9%
no	321	61.1%
Other	47	9%

**During the past month have you generally felt safe in your work environment?**



yes	331	64.4%
no	142	27.6%
Other	41	8%

**Do you look forward to coming to work on most days?**



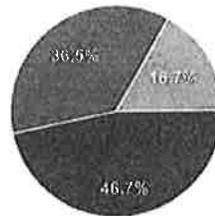
yes	236	45.4%
no	235	45.2%
Other	49	9.4%

**Do you feel you can approach a supervisor with any concerns you have regarding your work environment?**



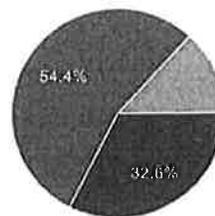
yes	286	55.4%
no	151	29.3%
Other	79	15.3%

**If you have approached a supervisor with any such concerns, do you feel that they wanted to hear your concerns?**



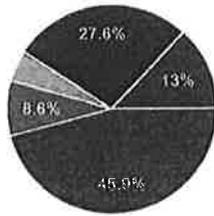
yes	243	46.7%
no	190	36.5%
Other	87	16.7%

**Would you recommend a job at the Department to a friend or a family member?**



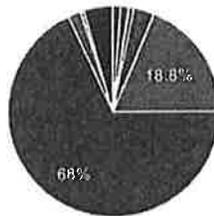
yes	167	32.6%
no	279	54.4%
Other	67	13.1%

**Where do you see yourself three years from now?**



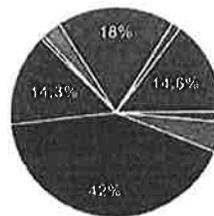
Working within the Department	<b>236</b>	45.9%
Working in the corrections field but in a different agency	<b>44</b>	8.6%
Retired	<b>25</b>	4.9%
Working outside the corrections field	<b>142</b>	27.6%
Other	<b>67</b>	13%

**In order to retain employees within the Department, what would you say is the primary change that the Department could make to keep people from leaving the Department?**



Salary advancement each year above the hiring wage	<b>351</b>	68%
Hire additional staff	<b>10</b>	1.9%
Reduce overtime	<b>3</b>	0.6%
Improve staff morale	<b>23</b>	4.5%
Provide additional supports for staff	<b>6</b>	1.2%
Allow for more input from staff	<b>6</b>	1.2%
Provide more opportunities for promotion	<b>4</b>	0.8%
Better communication regarding how decisions are made that impact the ability to successfully do your job	<b>16</b>	3.1%
Other	<b>97</b>	18.8%

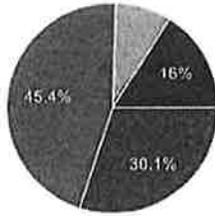
**When you have had co-workers leave employment with the Department, what do you believe was their primary reason for leaving?**



Termination	<b>8</b>	1.6%
Too much overtime	<b>24</b>	4.7%
Too little overtime	<b>0</b>	0%
Salary	<b>215</b>	42%
Job stress	<b>73</b>	14.3%
Retirement	<b>3</b>	0.6%
Unsafe working conditions	<b>15</b>	2.9%
Lack of support from supervisors/administration	<b>92</b>	18%

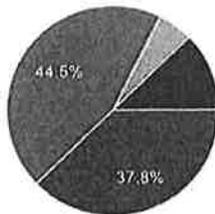
Correctional position in another agency	7	1.4%
Other	75	14.6%

**If you work directly with inmates what is your opinion of programming available to them?**



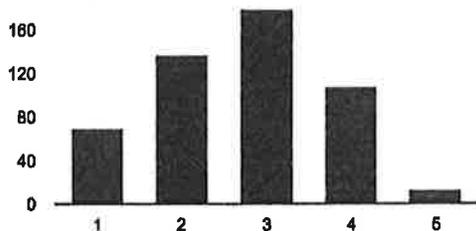
Appropriate programming exists that meets the needs of the inmates	147	30.1%
Additional programming is needed for the inmates	222	45.4%
Too much programming is available for the inmates	42	8.6%
Other	78	16%

**If you work directly with inmates what is your opinion of mental health and behavioral health services available to them?**



Appropriate mental health/behavioral health services are available to the inmates	182	37.8%
More mental health/behavioral health services are needed for the inmates	214	44.5%
Too much mental health/behavioral health services are available to inmates	26	5.4%
Other	59	12.3%

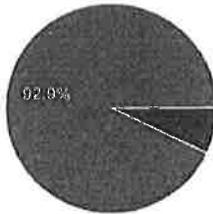
**What is your level of satisfaction of working at the Department?**



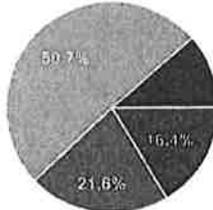
Low: 1	70	13.8%
2	137	27%
3	179	35.3%
4	108	21.3%
High: 5	13	2.6%

**If you could change one thing at the Department that would move the Department forward for the good of the staff and the inmates, what would it be?**

Keep things the same	17	3.7%
Other	222	47.9%

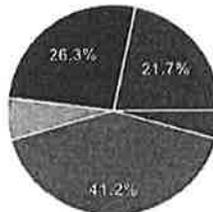


**Where is the Nebraska Department of Correctional Services headed in the next couple of years?**



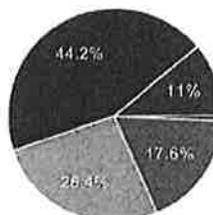
In a positive direction	62	16.4%
In a negative direction	108	21.6%
Not sure which direction it is headed at this time	254	50.7%
Other	57	11.4%

**What do you feel is the best way for the Office of Inspector General to receive valuable and constructive input from the employees of the Department?**



Utilize the state employees union	22	4.4%
Utilize online surveys	205	41.2%
Utilize written surveys	32	6.4%
Schedule employee town halls at each facility	131	26.3%
Other	108	21.7%

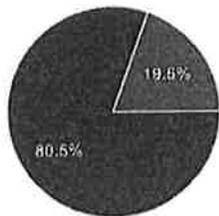
**What is your opinion of the Nebraska Legislature and its concern about the employees of the Nebraska Department of Correctional Services?**



The Legislature supports the employees of the Department of Correctional Services	4	0.8%
The Legislature needs to provide additional resources and support to the Department so that its employees can fulfill its mission	88	17.6%
The Legislature needs to make a better effort to engage the employees in order to understand their concerns	132	26.4%

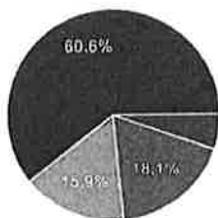
The Legislature does not value the employees of the Department	221	44.2%
Other	55	11%

**Are you an hourly or salary employee?**



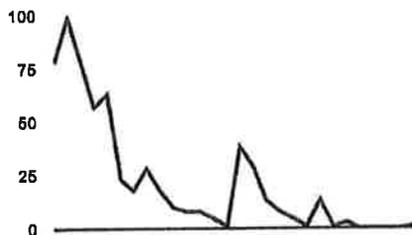
Hourly	404	80.5%
Salary	98	19.5%
Other	0	0%

**How much time do you typically spend with inmates during your work day?**



None	27	5.4%
Less than 25% of your time (but more than none)	91	18.1%
26% to 50% of your time	80	15.9%
More than 50% of your time	304	60.6%

**Number of daily responses**



Attachment #2

**COMPARISON OF  
SURVEY RESULTS  
(Percentage)**

<b>Do you believe the starting salary you were provided when you began at the Department was appropriate for your position?</b>	<b>FACILITY SURVEY</b>	<b>ADMINISTRATION SURVEY</b>	<b>TSCI SURVEY</b>	<b>NSP SURVEY</b>	<b>NCCW SURVEY</b>	<b>LCC SURVEY</b>	<b>OCC SURVEY</b>	<b>DEC SURVEY</b>	<b>WEC SURVEY</b>	<b>CCC-L SURVEY</b>	<b>CCC-O SURVEY</b>	<b>NCYF SURVEY</b>
YES	29.9	37.1	21	40	48.8	33.3	27	28.1	55.6	38.1	40	23.7
NO	61.1	57.3	76	57.3	41.9	63	62.2	71.9	44.4	52.4	53.3	74.1
OTHER	9	5.6	3	2.7	9.3	3.7	10.8	0	0	9.5	6.7	8.5
<b>During the past month have you generally felt safe in your work environment?</b>												
YES	64.4	84.3	32	60	85.4	66.7	61.3	74.2	94.4	85	73.3	73.2
NO	27.6	8.6	55	37.3	12.2	29.6	29.3	19.4	5.6	5	20	16.1
OTHER	8	7.1	13	2.7	2.4	3.7	9.3	6.6	0	10	6.7	10.7
<b>Do you look forward to coming to work on most days?</b>												
YES	45.4	71.8	30	45.8	53.5	54.5	42.5	56.2	55.6	61.9	40	42.6
NO	45.2	21.8	65	48.6	41.9	41.8	54.8	37.5	33.3	33.3	46.7	33.3
OTHER	9.4	6.3	5	5.6	4.7	3.6	2.7	6.3	11.1	4.8	13.3	24.1
<b>Do you feel you can approach a supervisor with any concerns you have regarding your work environment?</b>												
YES	55.4	74.6	37.3	63.5	52.4	51.9	59.4	84.4	55.6	81	73.3	54.5
NO	29.3	13	56.6	31.1	16.7	27.8	33.8	12.5	27.8	9.5	6.7	23.6
OTHER	15.3	12.3	6.1	5.4	31	20.4	6.8	3.1	16.7	9.5	20	21.8
<b>Would you recommend a job at the Department to a friend or a family member?</b>												
YES	32.6	43.9	12.8	29.7	50	41.8	32	37.5	38.9	38.1	33.3	45.5
NO	54.4	42.4	73.4	56.8	42.5	47.3	64	53.1	61.1	38.1	60	41.8
OTHER	13.1	13.7	13.8	13.8	7.5	10.9	4	9.4	0	23.8	6.7	12.7





	FACILITIES	ADMIN	TSCI	NSP	NCCW	LCC	OCC	DEC	WEC	CCC-L	CCC-O	NCYF
<b>What is your opinion of the Nebraska Legislature and its' concern about the employees of the Nebraska Department of Correctional Services?</b>												
The Legislature supports the employees of the Department of Correctional Services	0.8	2.9	0	1.4	0	0	0	0	0	0	0	3.8
The Legislature needs to provide additional resources and support to the Department so that its' employees can fulfill its mission	17.6	29.5	7.4	16.7	13.2	22.2	15.1	31.3	16.7	14.3	26.7	30.2
The Legislature needs to make a better effort to engage the employees in order to understand their concerns	26.4	21.6	16	27.8	44.7	24.1	31.5	15.6	38.9	23.8	20	22.6
The Legislature does not value the employees of the Department	44.2	30.9	66	45.8	28.9	33.3	41.1	50	38.9	42.9	53.3	34
Other	11	15.1	10.6	8.3	13.2	20.4	12.3	3.1	5.6	19	0	9.4

DOUG KOEBERNICK  
Inspector General



STATE OF NEBRASKA  
OFFICE OF INSPECTOR GENERAL OF CORRECTIONS  
State Capitol, P.O. Box 94604  
Lincoln, Nebraska 68509-4604  
402-471-4215

## Memorandum

To: Nebraska Legislature  
From: Doug Koebernick, Office of Inspector General  
Re: NDCS Staff Survey  
Date: May 5, 2017

### Background

A few months after I started in my position in September 2015, a Google survey was distributed via email to the staff of the Nebraska Department of Correctional Services (NDCS). It was patterned after a similar survey provided to the staff at the Beatrice State Developmental Center in 2008/09 as part of the legislative work of the Developmental Disabilities Special Investigative Committee. Last month, I followed up that survey with a new survey of those staff. The Director of NDCS was asked for his input regarding the questions before it was distributed.

### Survey Process and Response Rate

For each of the two surveys approximately 600 staff responded. Not everyone at NDCS has an email address so in the message to the staff they were asked to share the survey with those who did not have email. It is my understanding that most of the individuals who do not have email would be considered front-line staff. However, they will be receiving email accounts later this year and I look forward to including them in future surveys. Just like the past survey, this is not considered a scientific survey. It is more of an information gathering tool and it met its goal of gaining valuable insight from NDCS staff. The results will also be shared with the Director of NDCS.

### Survey Results

Attachment A has the results of most of the survey. Most of the survey is a series of statements and staff were asked how they felt about the statement ranging from strongly disagree (1) to strongly agree (5). There were a number of open ended questions at the end of the survey and staff could write as little or as much as they wanted to when responding to those questions. Those questions were the following:

- Is there something that you believe the Department could do to better respond to the concerns and needs of the employees after a crisis?
- In the last year, what have you seen as the most significant improvement within the Nebraska Department of Correctional Services?
- What would you recommend be done to improve staff safety?

- What changes do you think could be made to improve the outcomes for inmates within the correctional system?
- How would you describe the organizational culture of the Nebraska Department of Correctional Services?
- What intervention or tool would you use to improve communication within the Nebraska Department of Correctional Services? and,
- Do you have any other feedback about the operation of the NDCS?

At least 200 staff responded to each of those questions. If you would like to learn more about those responses please let me know.

### **2015/2016 Survey vs. 2017 Survey**

While the format of the questions was done differently in this survey and some of the questions changed, it is interesting to compare some of the responses. Attachment B has the results of the previous survey so if you are interested you could go through that one and compare it to this one.

There are a few questions and their responses that I would like to highlight for you.

- The question about feeling safe found that 38.3% of this year's responders indicated that they feel safe in their work environment. In the last survey, 64.4% indicated that they felt safe in their work environment.
- This year the question about whether or not they would recommend a job to a friend or family member found that 19.4% either agreed or strongly agreed that they would recommend a job and 60.7% either disagreed or strongly disagreed that they would recommend a job. In the last survey, 32.6% indicated they would recommend a job and 54.4% indicated that they would not make that recommendation.
- This year, 44.1% of those who responded indicated that they would be working in the Department three years from now. In the last survey 45.9% indicated that they would be working in the Department three years from now.
- This year 62.1% of those who responded said that salary advancement each year above the hiring wage was the primary change that the Department could make to keep people from leaving the Department. Last survey found that 68% selected that answer.
- This year, 16.9% of those who responded either agreed or strongly agreed that the Department is headed in a positive direction and 60.5% either disagreed or strongly disagreed that the Department is headed in a positive direction. In the last survey, 16.4% said that Department was going in a positive direction, 21.6% said it was going in a negative direction, and 50.7% were not sure which direction the Department was going.
- This year, 6.7% of those who responded either agreed or strongly agreed that the Legislature is concerned about the employees of the Department and 75.7% either disagreed or strongly disagreed with that statement. The question was phrased differently in the last survey but only .8% of those who responded selected the response that the Legislature supported the employees and 44.2% of those who responded selected the response that the Legislature did not value the employees.

**Future Surveys**

My intent is to send out similar surveys on a regular basis in order to gain additional insight and to keep in contact with the staff. Consideration is also being given to surveying inmates during the upcoming months.

If you have any input or feedback that you would like to provide regarding this survey or future survey efforts it would be greatly appreciated.

# NDCS 2017-2018

QUESTIONS

RESPONSES 294

## 294 responses

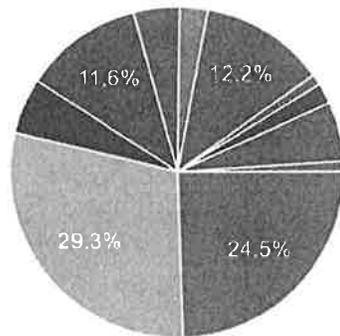


- SUMMARY
- INDIVIDUAL

Accepting responses

### Which facility do you work at within the Nebraska Department of Correctional Services?

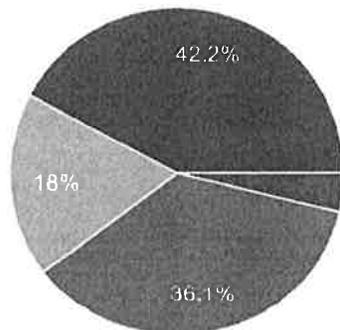
(294 responses)



- Central Office
- TSCI
- NSP
- CCC-L
- DEC
- CCC-O
- OCC
- LCC

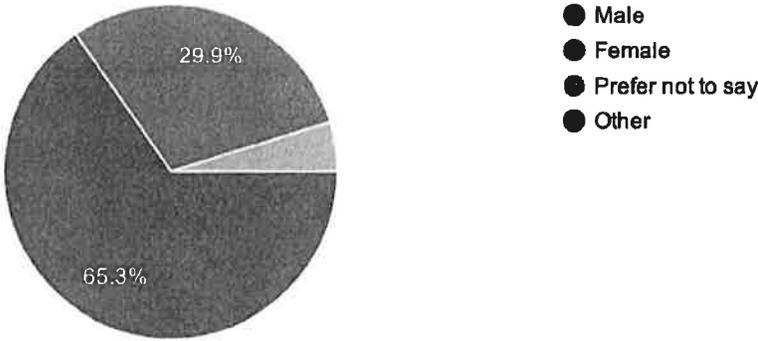
1/2 ▼

### How long have you been employed by NDCS? (294 responses)



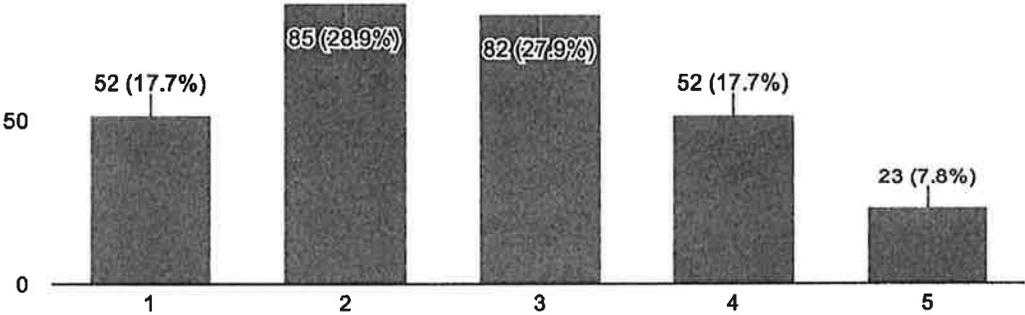
- Less than a year
- 1-5 years
- 6-10 years
- 11+ years

What is your gender? (294 responses)

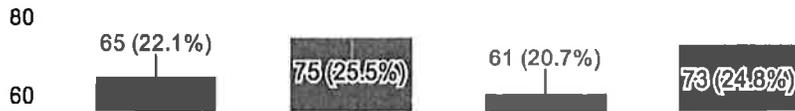


Scale Questions

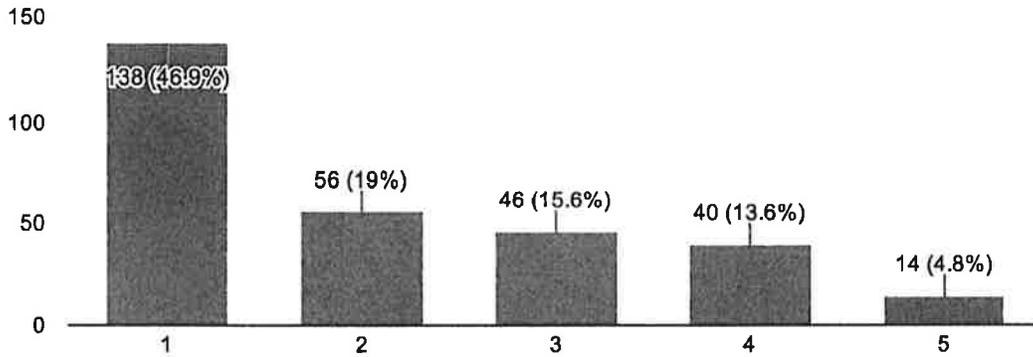
During the past month, I have felt generally safe in the work environment (294 responses)



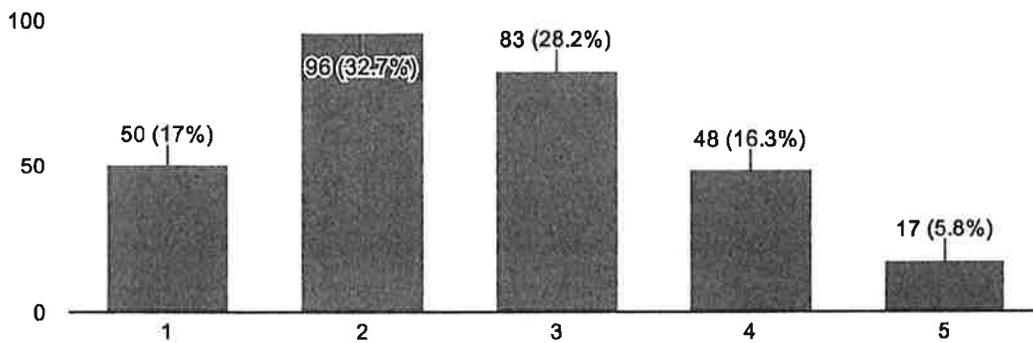
I look forward to coming to work on most days (294 responses)



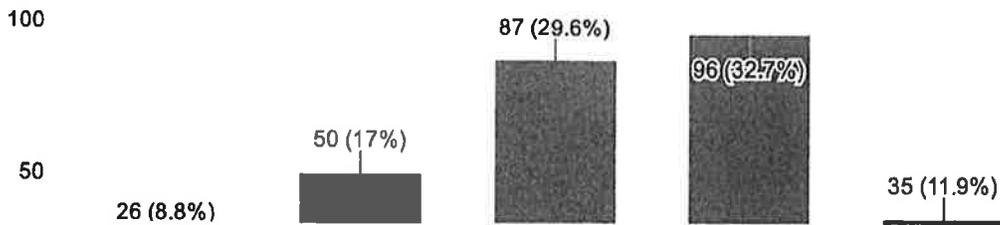
**I would recommend a job at the Department to a friend or family member**  
(294 responses)



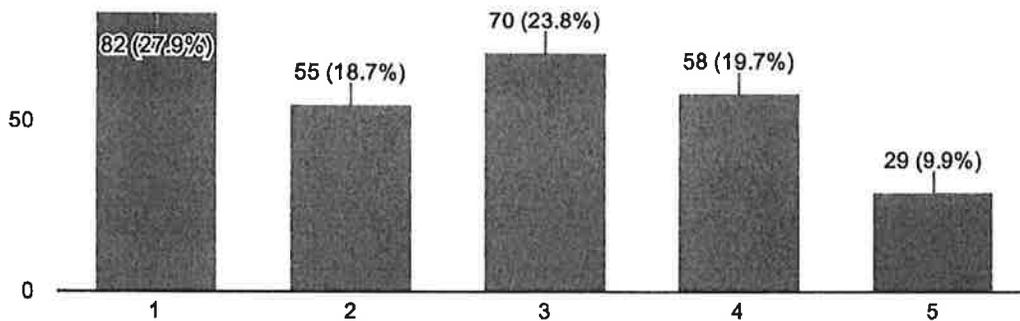
**I am satisfied with my employment at the Nebraska Department of Correctional Services**  
(294 responses)



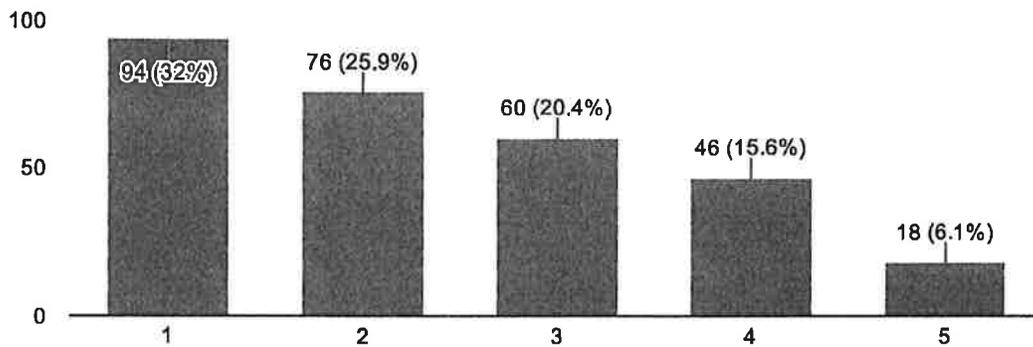
**I have received the appropriate amount and type of training to do my job well**  
(294 responses)



**My leadership team takes my feedback seriously** (294 responses)

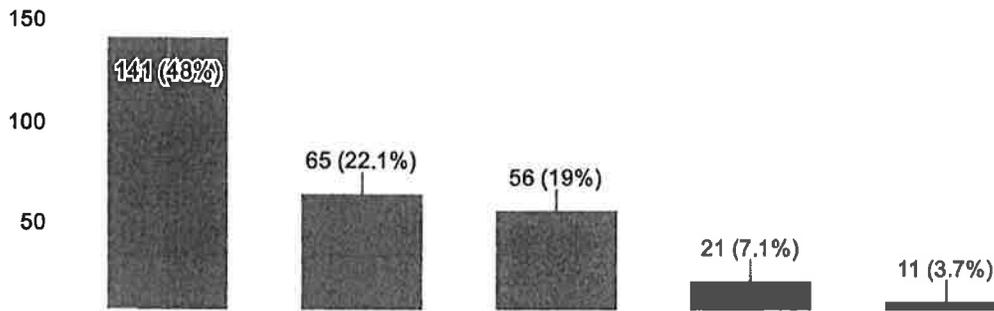


**NDCS employees are consistently held accountable for poor behavior**  
(294 responses)

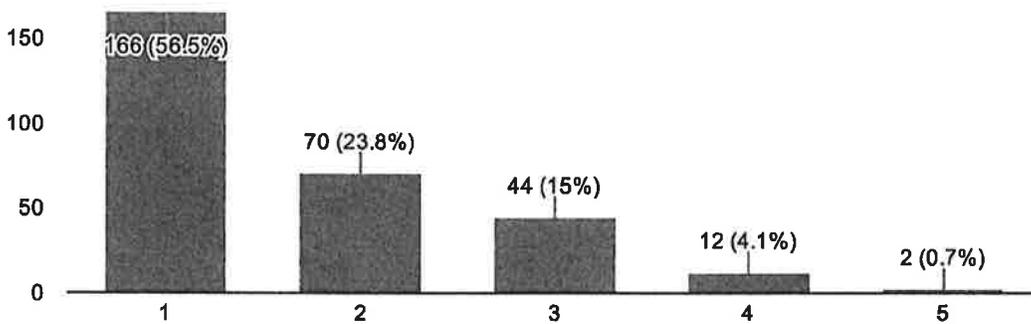


**The Nebraska Department of Correctional Services is headed in a positive direction**

(294 responses)

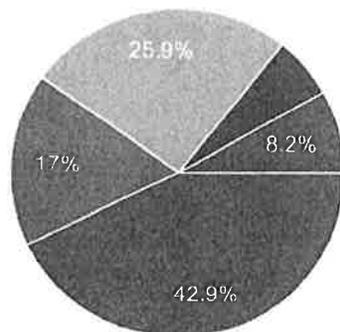


**The Nebraska Legislature is concerned about the employees of the NDCS**  
(294 responses)



**Multiple Choice Questions**

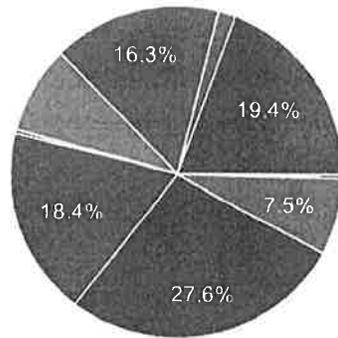
**Where do you see yourself three years from now?** (294 responses)



- Working within the Department
- Working in the corrections field but in a different agency
- Working outside the corrections field
- Retired
- Other

### you believe was their primary reason for leaving?

(294 responses)

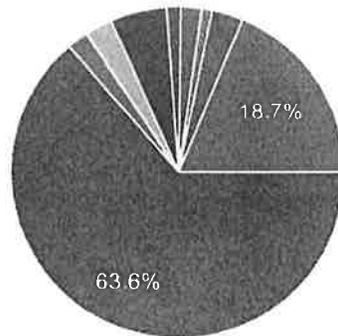


- Termination
- Too much overtime
- Too little overtime
- Salary
- Job stress
- Retirement
- Unsafe working conditions
- Lack of support from supervisors/a...

1/2 ▼

### In order to retain employees within the Department, what would you say is the primary change that the Department could make to keep people from leaving the Department?

(294 responses)



- Salary advancement each year above the hiring wage
- Hire additional staff
- Reduce overtime
- Improve staff morale
- Provide additional supports for staff
- Allow for more input from staff
- Provide more opportunities for pro...
- Better communication regarding ho...
- Other

DOUG KOEBERNICK  
Inspector General



STATE OF NEBRASKA  
OFFICE OF INSPECTOR GENERAL OF CORRECTIONS  
State Capitol, P.O. Box 94604  
Lincoln, Nebraska 68509-4604  
402-471-4215

## Memorandum

To: Judiciary Committee Members  
LR 127 Special Committee Members  
From: Doug Koebernick, Inspector General for Corrections  
Re: Drugs and Alcohol in Prisons  
Date: June 12, 2017

Last week it was reported that an inmate within the Nebraska Department of Correctional Services might have died as a result of a drug overdose. My office will be investigating this death. However, as a result of this death, and the reporting of the discovery of 150 pounds of homemade liquor ("hooch") during the March 2<sup>nd</sup> event at the Tecumseh facility, there has been an increased interest in drugs and "hooch" in our prison system. I thought I would share with each of you some brief information that I have gathered on this subject, including the results of a recent staff survey.

### **"HOOCH"**

Regarding "hooch" there are two questions that are typically asked: 1) Where do they get the ingredients to make "hooch"? and, 2) How do they store it without getting caught?

The keys ingredient in "hooch" are yeast and sugar. If an inmate is unable to obtain actual yeast they can use other ingredients such as crumbled bread or even honey buns. Sugar can come in a number of forms, including fruit, actual sugar, ketchup, etc. These are all items that readily available within the prison. As Director Frakes recently shared with me, eliminating access to these foods is not a realistic option.

Inmates can get very creative when making and storing "hooch" but they need to have some sort of storage device that does not leak. Once they figure out what they can use as a storage device they need to conceal it within their cell or another part of the prison. Detecting "hooch" is key for staff and that can be done as a result of thorough room searches and inspections. From what staff have told me, "hooch" can have a distinct odor so it is also important that staff are aware of that and can use that to detect it as well.

“Hooch” can be used by those making it or can be sold to others and can become a form of prison currency. I would suggest that you search for “prison hooch” on the internet as you will learn quite a bit more.

## **DRUGS**

The challenge for every correctional system is to deter the flow of contraband entering their facilities. There are numerous ways for contraband, such as drugs, to enter a facility, including through the mail, visitors, staff, drones, items being thrown over fences, and inmates returning from work release opportunities. Every single person that enters a correctional facility is considered a potential source of contraband. I have attached a recent news story that has information from the Department of Correctional Services regarding their attempts to deter the flow of drugs into their facilities.

## **SURVEY**

On June 8<sup>th</sup>, I emailed a survey to a sample of Department staff at all ten facilities that asked three questions:

- 1) What additional steps should be considered to decrease the flow of illegal drugs into Nebraska's prisons?
- 2) What additional steps should be considered in order to decrease the amount of liquor or "hooch" that is made in Nebraska's prisons? and,
- 3) Do you have any other thoughts on the issue of illegal drugs and alcohol in Nebraska's prisons?

The purpose of the survey was to educate myself on these issues and gain valuable insight from those who are actually working in the facilities. A secondary purpose was to obtain this feedback and share it with policy makers such as yourselves so you have a better understanding of this issue. I will also share this with Director Frakes as well. As of today, 100 staff had responded to the survey.

The results of the first question came down to four main responses. First, staff suggested that the Department move toward having no contact visits. These are visits between visitors and inmates where no actual contact is involved between the two parties and the conversation is carried out over a phone. Second, staff suggested that the Department purchase more drug dogs and utilize them to a greater degree. Third, staff suggested that the Department conduct more searches of staff when they enter the facilities. One person wrote that they had been working with the Department for three years and had never been searched. Fourth, staff also suggested that there be increased prosecution/discipline for those that are caught bringing in illegal drugs or other contraband.

The results of the second question were varied but some consistent themes that were shared include the need to conduct better searches of inmates and cells, increase discipline for inmates found with “hooch,” and limit access to the ingredients, including garbage bags or other bags, for “hooch.” There was also a number of staff who shared their thoughts regarding how the shortage of staff impacts their ability to carry out their job duties, including conducting appropriate searches and monitoring areas such as the kitchen.

There were a number of comments as a result of the third question. Concerns about staff safety were expressed by several staff. The problems with K2 were discussed by several others. There were also a number of comments about increased discipline and prosecution and the need to hold staff accountable for their actions or lack of actions. Once again, concerns regarding staff shortages and inexperienced staff were also shared.

Overall, I believe there is quite a bit to be learned from these responses. If you would like to see the responses please let me know. I have created a spreadsheet with all of the responses that I can deliver to your office.

Department of Correctional Services

# News Release

**NEBRASKA**  
Good Life. Great Mission.

FOR IMMEDIATE RELEASE (17-41)

**CONTACT** Dawn-Renee Smith, Communications Director  
**OFFICE** 402-479-5713 | [dawnrenee.smith@nebraska.gov](mailto:dawnrenee.smith@nebraska.gov)

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## Director Frakes Outlines Contraband Control and Detection Tactics

July 28, 2017 (Lincoln, Neb.) – Today, the Nebraska Department of Correctional Services (NDCS) outlined tactics they are utilizing to operate safe and drug-free institutions for staff, inmates and visitors.

“As I talk to my peers across the country, I am reminded that Nebraska is not alone in the fight to stop the flow of contraband,” said Director Scott R. Frakes. “More than 80 percent of Nebraska prisoners have some level of substance abuse issues. Nebraska has been taking proactive steps to control and detect the introduction of contraband in our correctional facilities.”

Contraband control efforts have been stepped up in recent weeks.

Last week, a visitor was observed passing drugs to an inmate. Staff members confiscated the drugs and notified the State Patrol. The visitor was subsequently arrested. This week, with the help of numerous sources of intelligence, NDCS located a cell phone and drugs in an inmate’s cell. In the last month, contraband has been thrown over the fence on three occasions.

Frakes added, “Our team is continuously identifying new strategies to prevent the introduction of contraband inside NDCS facilities. Efforts include a combination of thorough searches, the use of canines, intelligence gathering and accountability.”

NDCS is employing a variety of strategies to prevent the introduction of contraband. Some of those tactics are outlined here:

### SEARCHES

- Facility: Routine room searches, common area searches, recreation yard searches, building searches, perimeter ground, etc. (includes metal detectors when appropriate).
- Inmate: Routine/frequent pat searches, strip searches, random/targeted cell searches consistent with policy.

- Inmate/Visitors/Staff: Random use of hand-held metal detectors and walk-through metal detectors.
- Inmate/Visitor/Staff: Canine assisted searches (routine and targeted).
- Visitor: Pat searches prior to admission.
- Visitor/Staff: Search of all belongings prior to admission (may include use of metal detector).
- Staff: Unannounced searches including pat searches and vehicle searches.
- Mail (all letter, packages) searched for contraband.

### **CANINE PROGRAM**

- Four canine units:
  - Nebraska State Penitentiary
  - Community Corrections Center – Lincoln
  - Tecumseh State Correctional Institution
  - Omaha Correctional Center
  - Searches for other facilities/programs completed as assigned.
- Partner with law enforcement teams to conduct large-scale searches.

### **DETECTION DEVICES**

These include hand-held metal detectors, walk-through metal detectors, X-ray machines and cameras.

### **CENTRALIZED INTELLIGENCE UNIT**

The intel team provides useful information to search teams and coordinates with external agencies to share and manage intelligence information. It allows for a more systematic/strategic approach to contraband control and detection.

### **VIDEO SURVEILLANCE**

Multiple camera systems have been added to NDCS facilities over the course of the past several years. The primary value of cameras is to provide additional intelligence/evidence after an issue has been identified, although there are occasions when individuals are observed in the act of committing a rule violation.

### **DRUG TESTING**

Urinalysis testing is a key part of NDCS' contraband control strategy.

Inmate: the on-going drug testing program includes random and intensive testing of the population.

Staff: the employee drug testing program includes pre-employment testing and random testing of all employees.

**NDCS Mission:** Keep people safe.

**NDCS Vision:** Safe Prisons – Transformed Lives – Safe Communities

**NDCS Values:** Integrity – Respect – Compassion – Growth – Excellence

In addition to these detection efforts, NDCS is committed to assisting law enforcement with fully investigating and prosecuting individuals who introduce or attempt to introduce contraband into agency-managed facilities. Inmates, visitors and staff members who bring in or are in possession of contraband will be held accountable and will be referred to law enforcement to be prosecuted to the full extent of the law.

## **ACCOUNTABILITY**

### **Inmate Accountability:**

- Inmates are subject to misconduct reports and are considered for restrictive Housing (Immediate Segregation/Longer-Term Restrictive Housing) if contraband is discovered.
  - If found guilty of rule violation, sanctions may include loss of good time, restriction (room, telephones, visits, recreation, personal property, etc.), and extra duty.
  - Custody Reclassification/Facility Transfer may be considered (based on quantity, type, circumstances, etc).
  - Dependent on quantity, type, circumstances; consultation with the State Patrol to determine if such is referred for prosecution.

### **Visitor Accountability:**

- All drugs and significant contraband introduction/attempted introduction referred for prosecution.
  - At a minimum, subject to visitation restriction (time frame discretionary decision; may be indefinite).

### **Staff Accountability:**

- Subject to Statement of Charges for rule violation – sanction may include disciplinary suspension and termination.
  - All incidents of significant contraband, drugs, cellphone introduction/attempted introduction referred for prosecution.

“Continuous improvement of monitoring strategies and techniques is needed to ensure staff are adequately trained, complacency does not occur, and contraband is prevented from entering our facilities,” added Director Frakes. “These contraband control and detection efforts are key to helping us fulfill our mission to keep people safe. Nebraskans can be confident that the team of dedicated professionals working in the state’s 10 prisons are not only aware of this issue, but are addressing it proactively.”

###

**NDCS Mission:** Keep people safe.

**NDCS Vision:** Safe Prisons – Transformed Lives – Safe Communities

**NDCS Values:** Integrity – Respect – Compassion – Growth – Excellence

# Justice Reinvestment Implementation Coordinating Committee Meeting

August 22, 2017

Sara Friedman, Senior Policy Analyst, State Initiatives  
Council of State Governments Justice Center



# Overview

01 System Overview

02 Implementation Analysis

03 Key Takeaways and  
Recommendations



# Summary of implementation progress



**NDCS, AOP, the Board of Parole, and AOC undertook numerous projects aimed at ultimately reducing the prison population, including:**

- Increasing the use of evidence-based practices
- Collaborating system-wide
- Streamlining processes to align with best practices



**Public safety measures are trending in the right direction:**

- Fewer people are leaving prison unsupervised.
- NDCS, AOP, and Parole continue to provide training for staff that strengthens evidence-based practices.

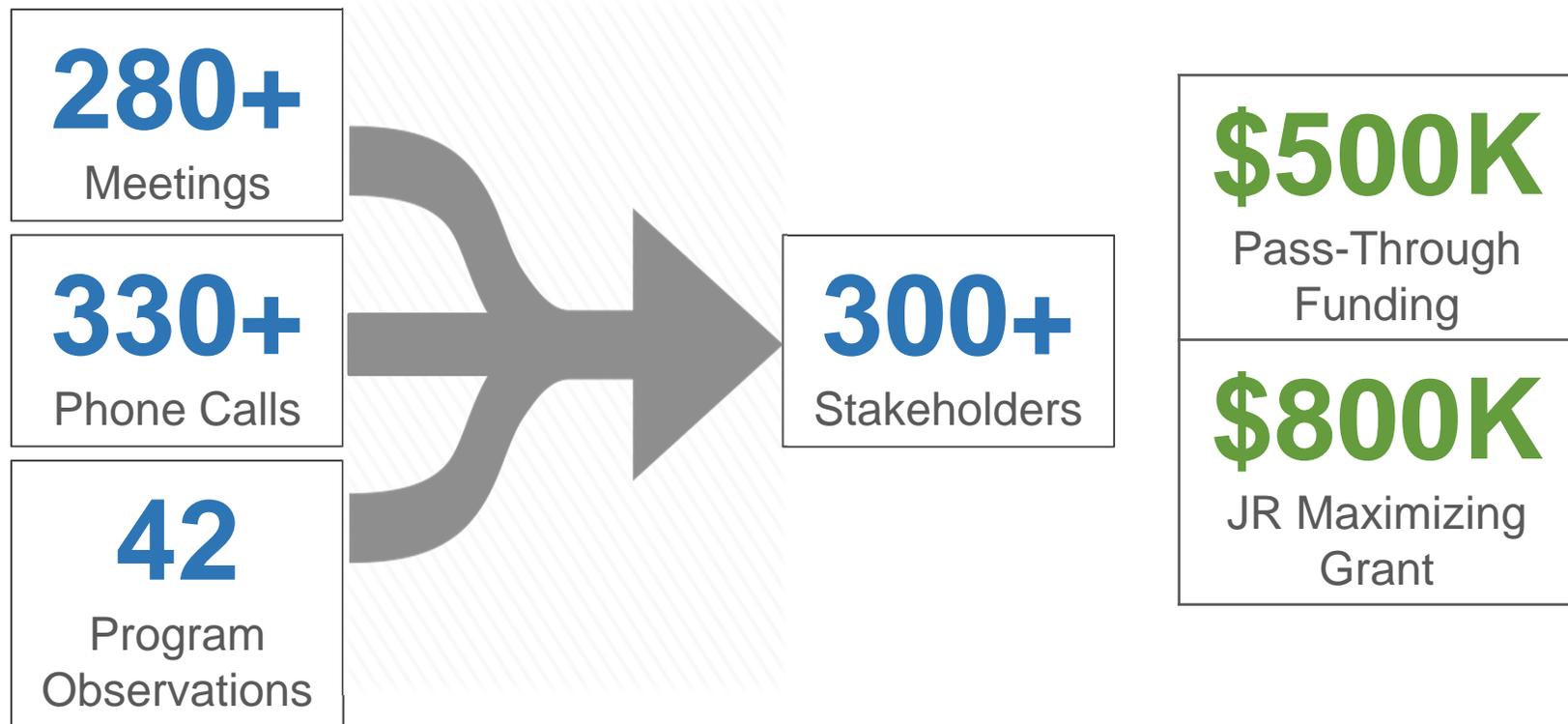


**Most importantly, Nebraska's prison population has stopped increasing and is trending downward.**

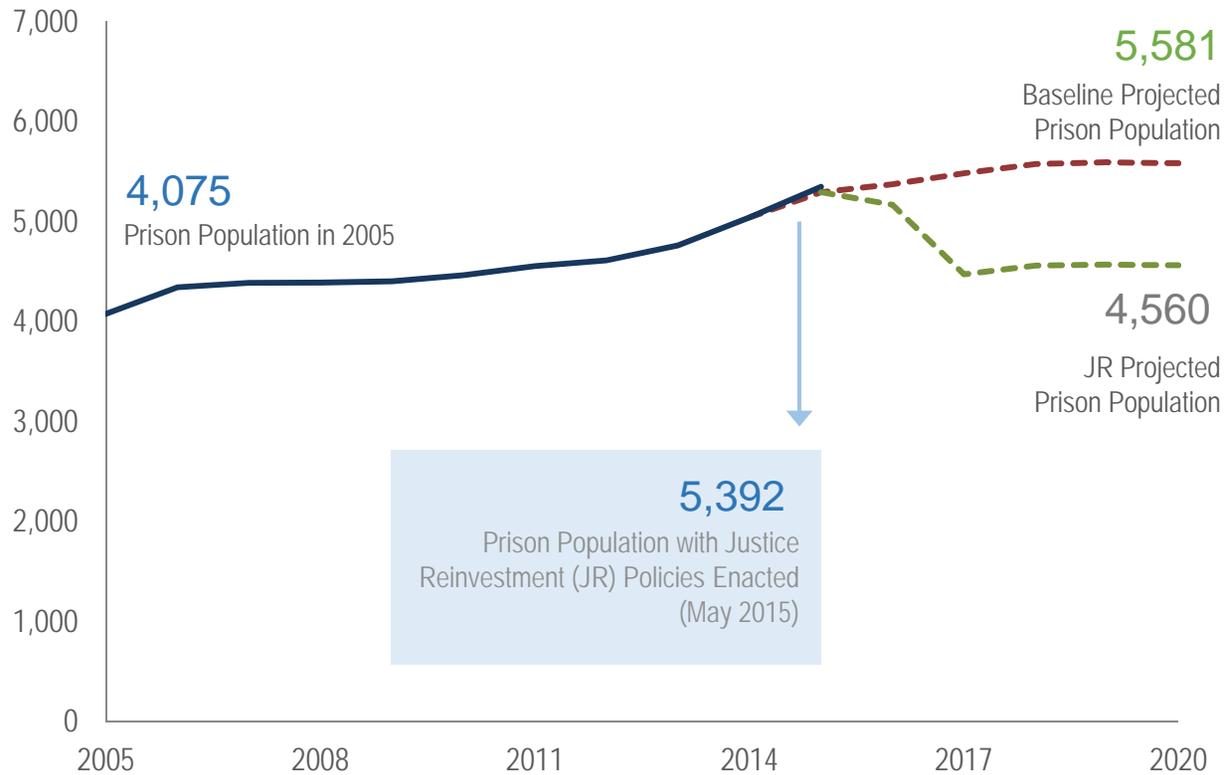


**However, the state has not met its projections and continues to experience ramifications of a severely overcrowded prison system.**

# Summary of CSG Justice Center technical assistance since May 2015 when LB 605 was enacted



# At time of enactment, justice reinvestment was projected to reduce the prison population by 1,021 by FY2020



## PROJECTED OUTCOMES

**\$302M**

averted construction and operations costs by FY2020

**1,021**

fewer people in prison than the projected FY2020 population

**300**

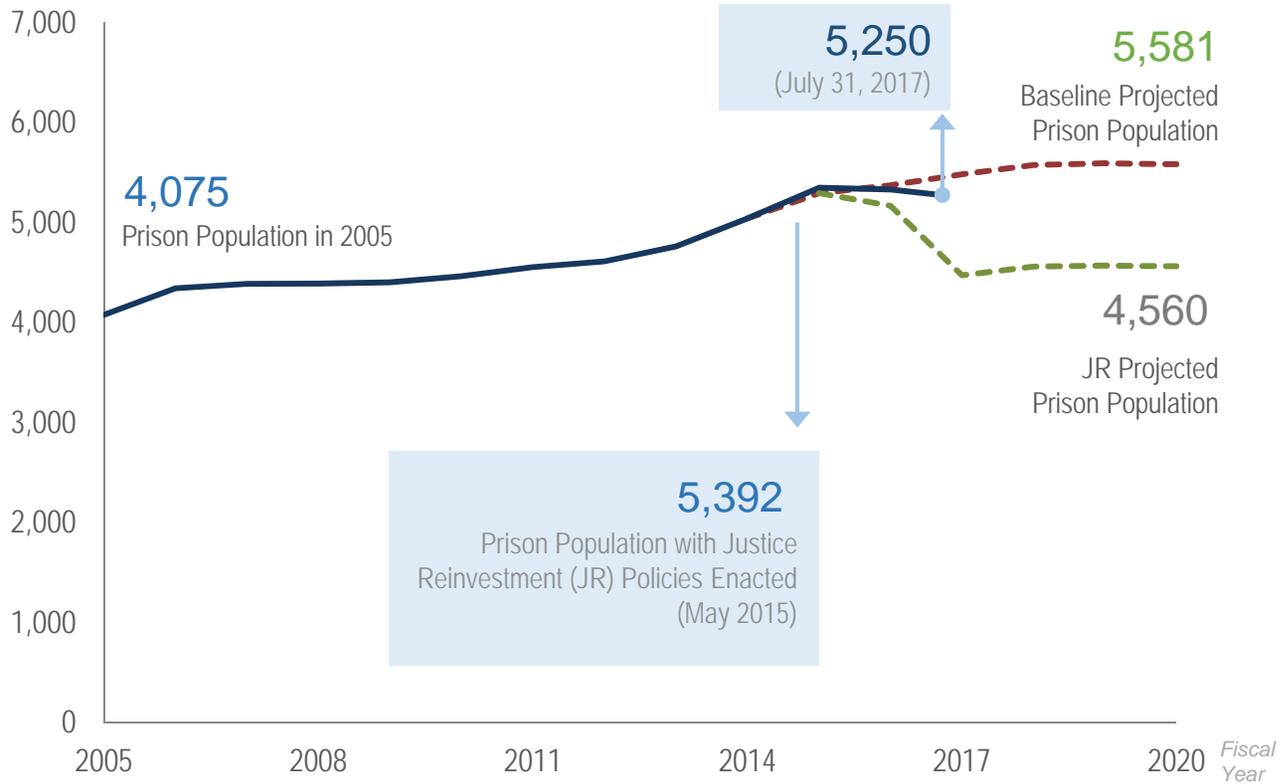
more people supervised on release each year

**\$33M**

recommended reinvestment in strategies to reduce recidivism (FY2016–FY2021)

Source: Baseline projections were provided by the Nebraska Department of Correctional Services and represent fiscal year estimates. The actual population figures include state-sentenced inmates housed in county jails.

# Nebraska's prison population has decreased by 142 thus far



## PROJECTED OUTCOMES

**\$302M**

Averted construction and operations costs by FY2020

**1,021**

Fewer people in prison than the projected FY2020 population

## REALIZED OUTCOMES

**\$14.7M**

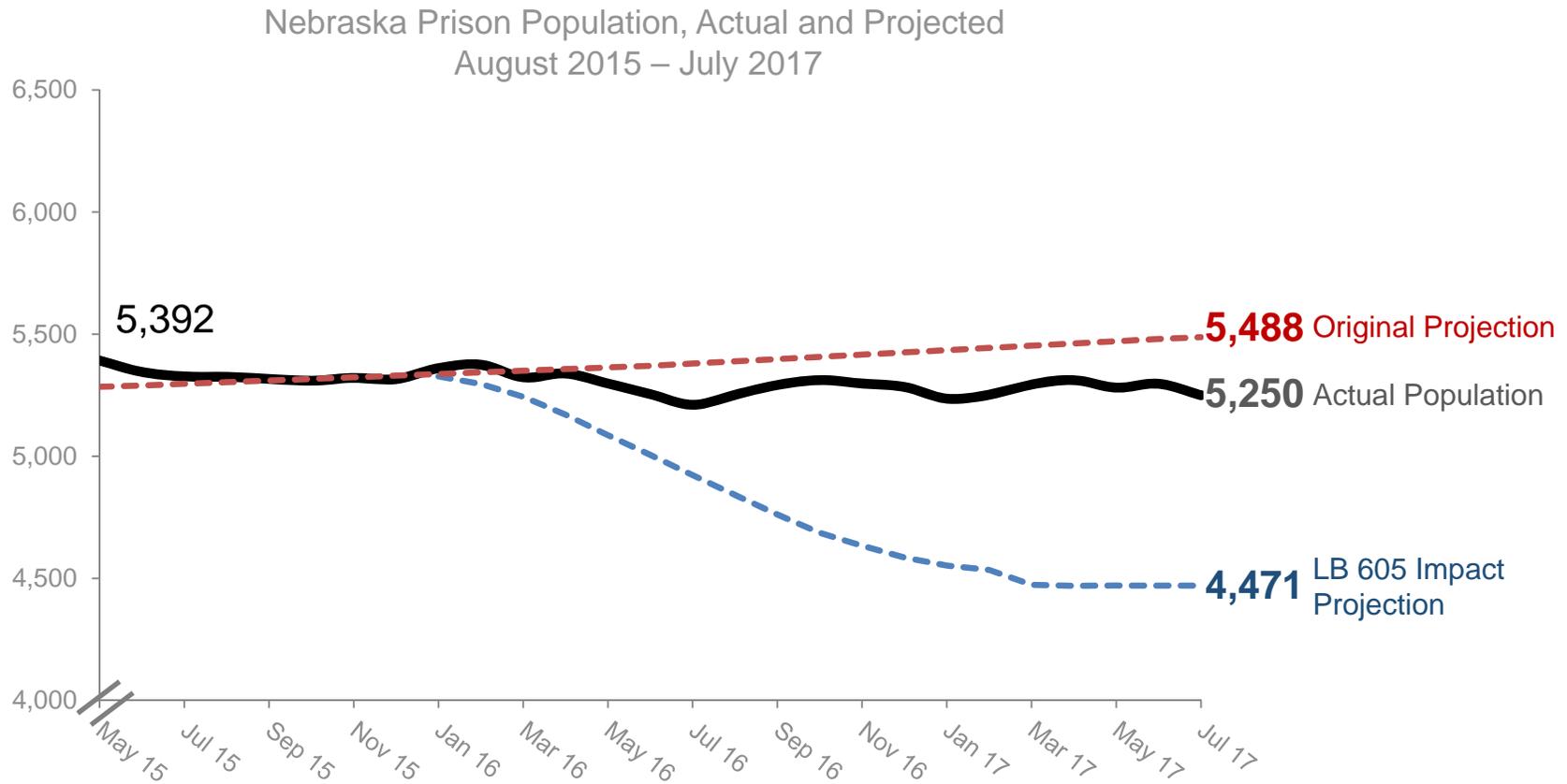
upfront reinvestments in FY2016 and FY2017

**1,000+**

more people supervised on release each year

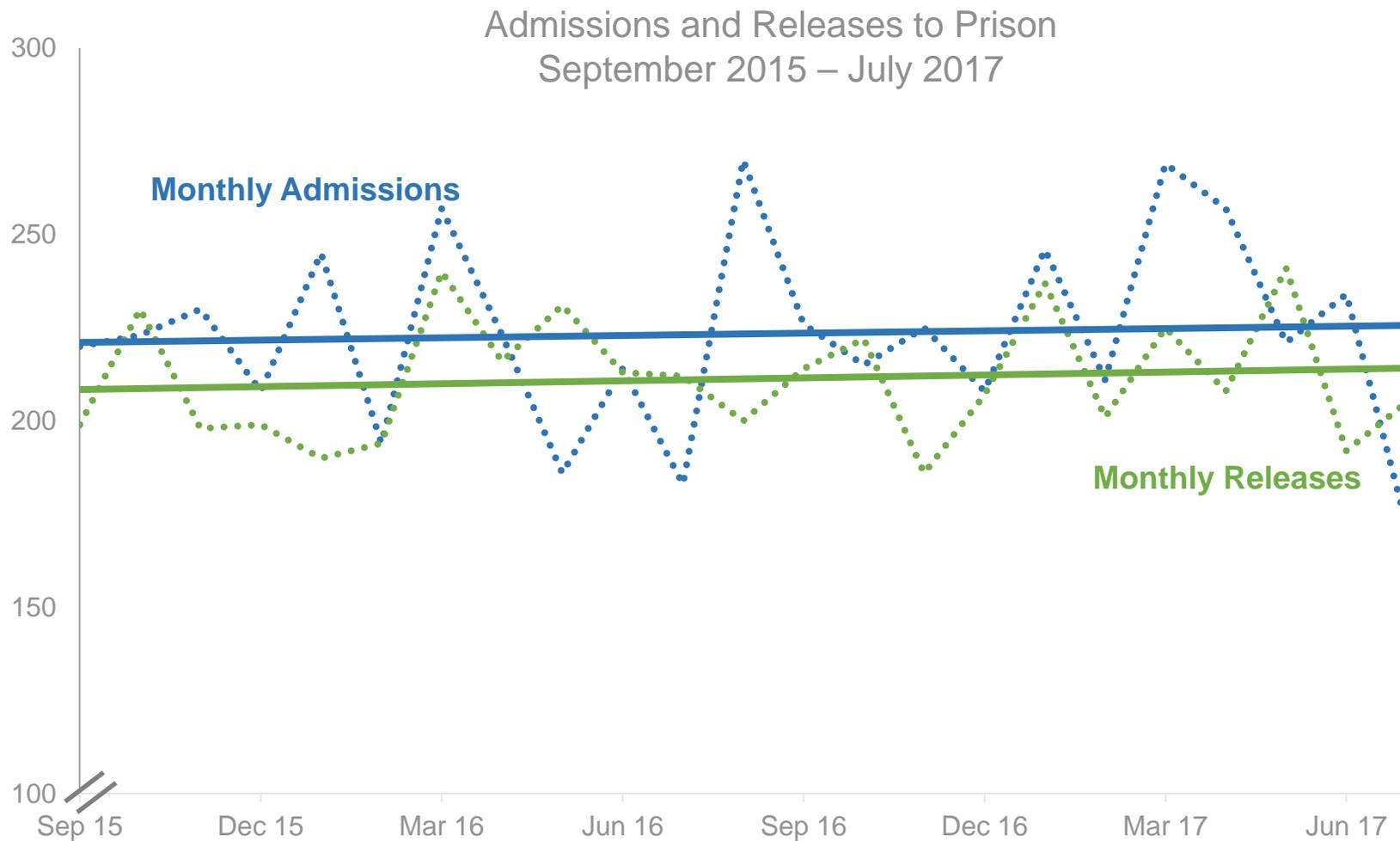
Source: Baseline projections were provided by the Nebraska Department of Correctional Services and represent fiscal year estimates. The actual population figures include inmates in NDCS facilities and state-sentenced inmates housed in county jails.

To zoom in on the trend, the prison population has fluctuated since LB 605 was enacted, but remains below the baseline projection



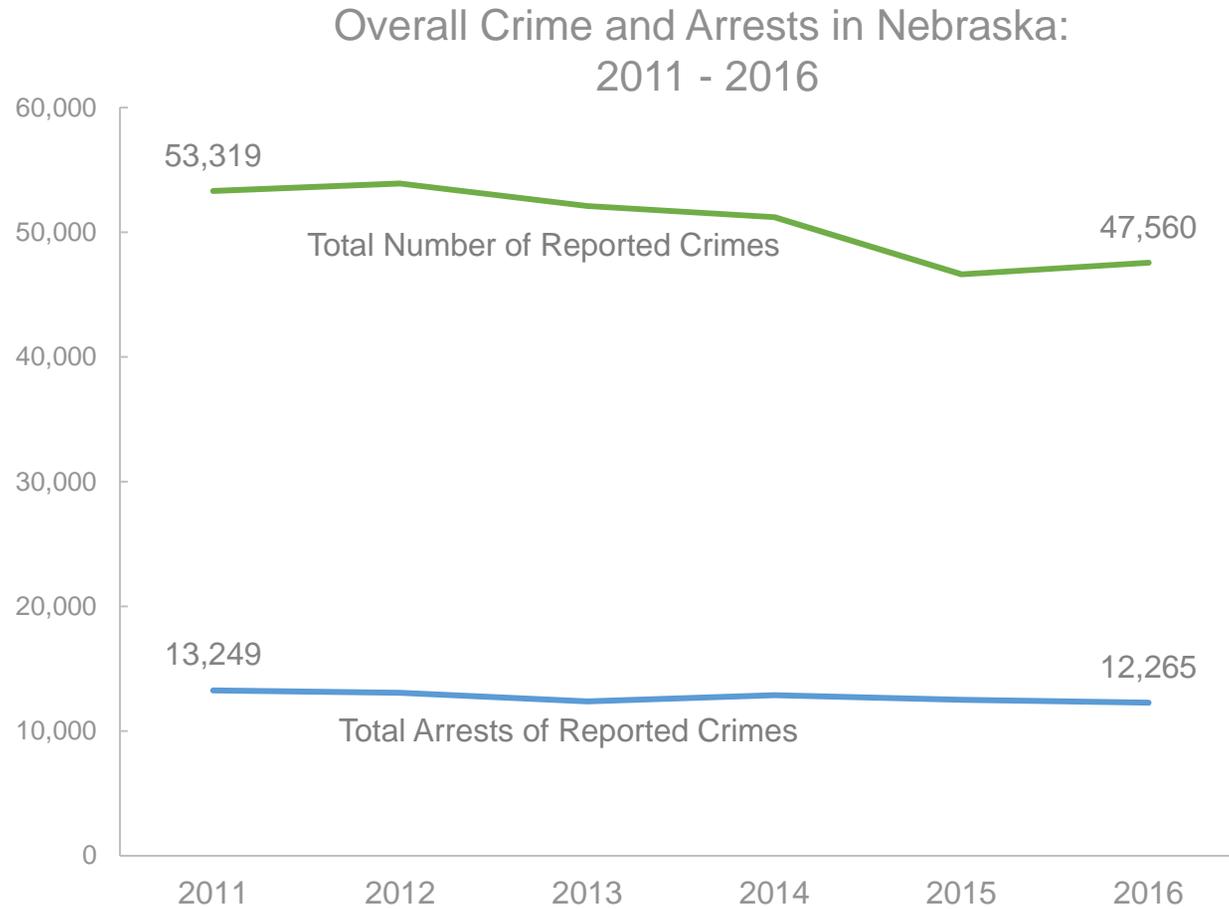
Source: NDCS Population from monthly Director's Report, last day of month

Both NDCS admissions and releases are flat, although LB 605 should have led to decreased admissions and increased releases



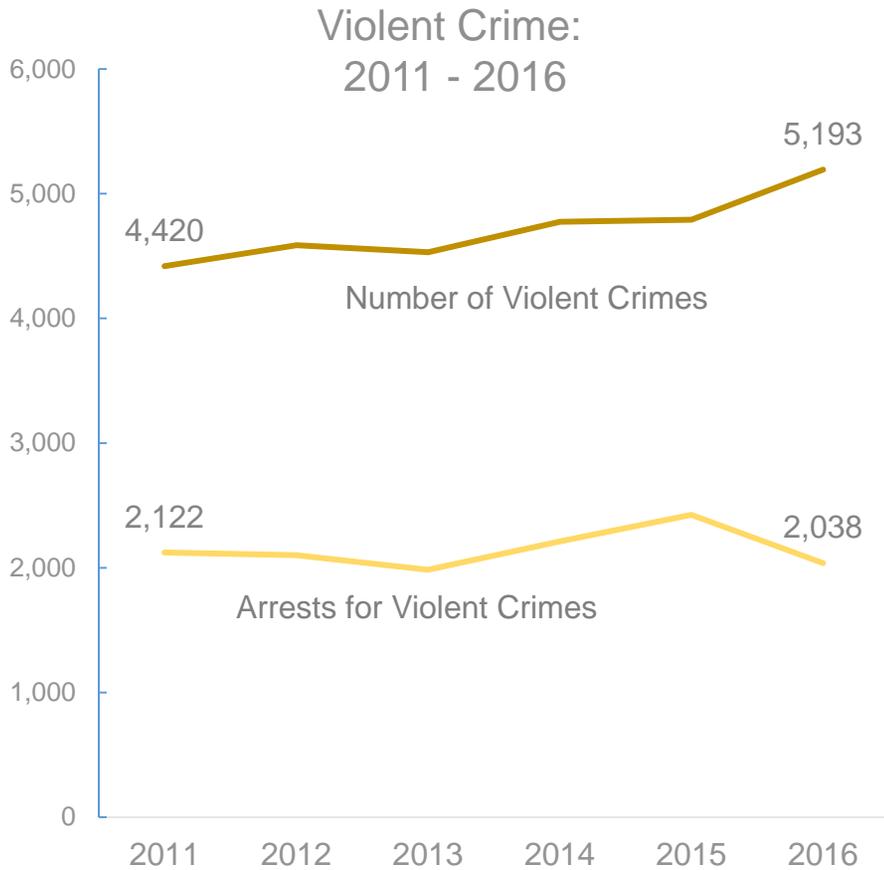
Source: NDCS Monthly Tracking spreadsheet 8.8.2017

# Total reported crimes and arrests have fallen since 2011



Source: Nebraska Crime Commission's Crime in Nebraska series, 2012, 2014, and 2016

# Overall trends are declining, but the violent crime rate increased 13% over this six year period

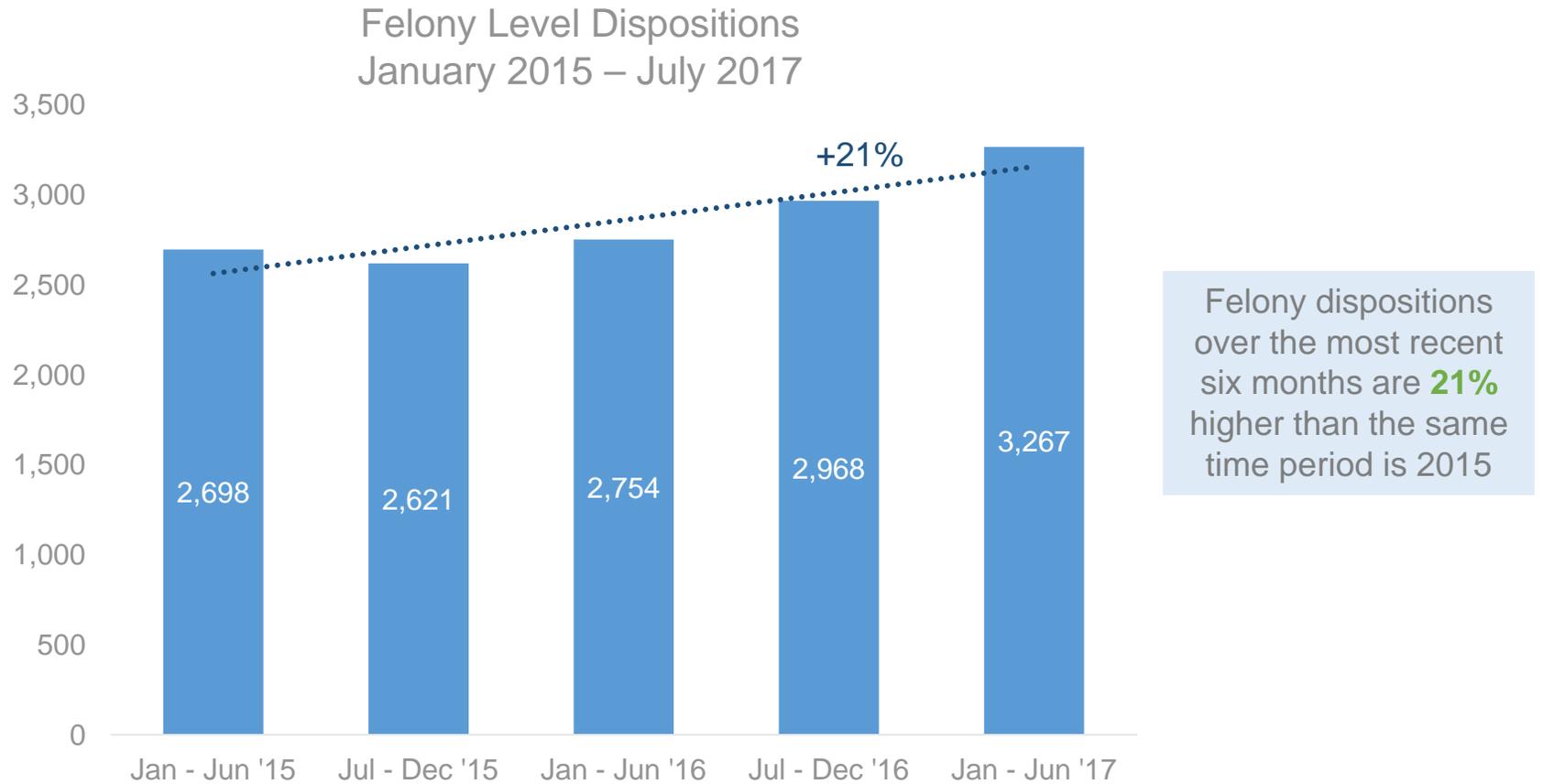


✓ Majority of increase in violent crimes is attributable to aggravated assaults (up 26% compared to 2011)

✓ Majority of decrease in property crimes is attributable to declines in burglary (-24%) and larceny/theft (-14%)

Source: Nebraska Crime Commission's Crime in Nebraska series, 2012, 2014, and 2016

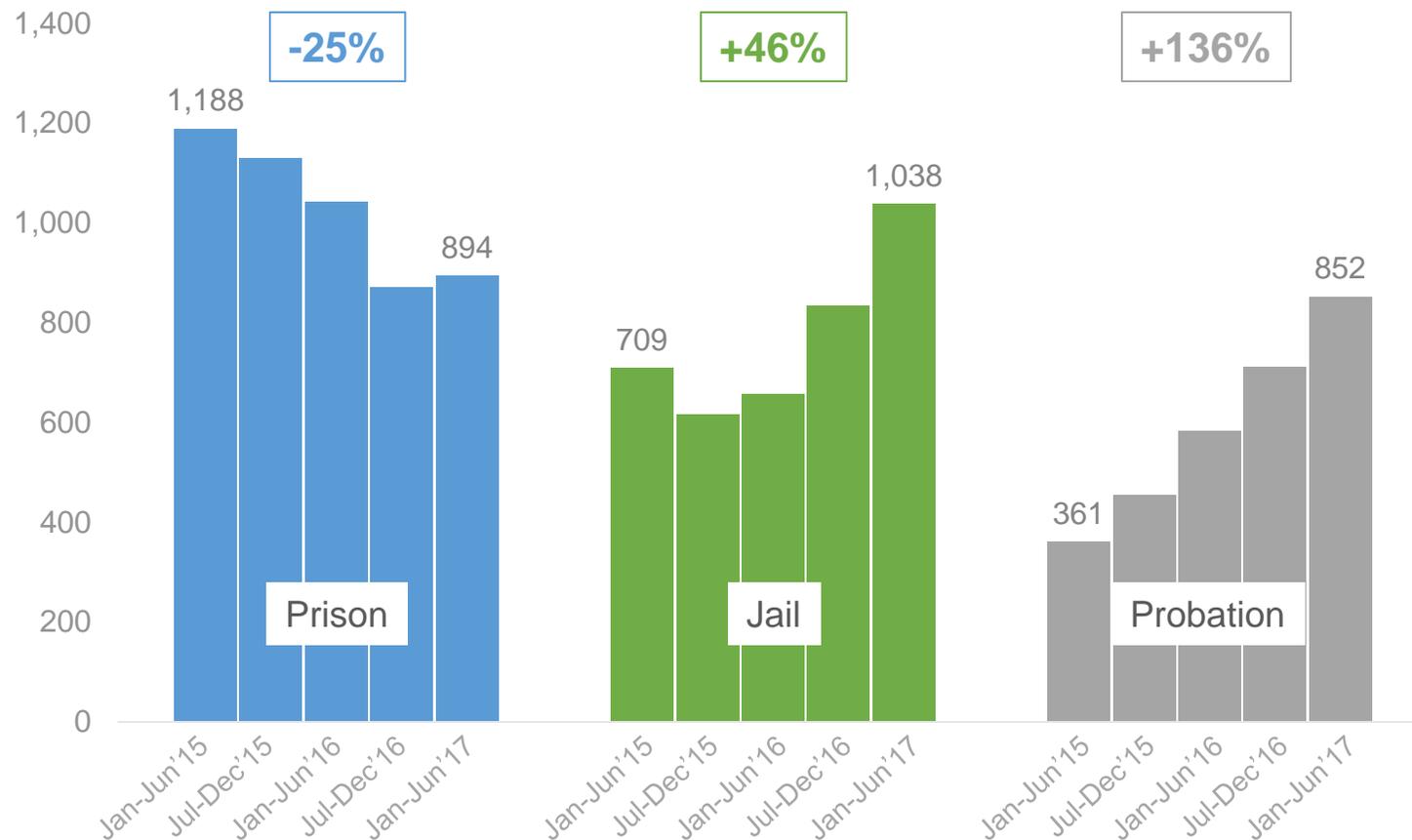
# There has been a larger than expected increase in the total number of felony cases in the court system



Source: Nebraska Crime Commission report, "Sentencing JUSTICE\_Data\_csg\_08182017.pdf"

# Sentencing data for felony convictions shows a decrease in prison dispositions and an increase in dispositions to jail and probation

Felony Level Dispositions to Prison, Jail, or Probation  
January 2015 – July 2017



Source: Nebraska Crime Commission report, "Sentencing\_JUSTICE\_Data\_csg\_08182017.pdf"

# Overview

01 System Overview

02 Implementation Analysis

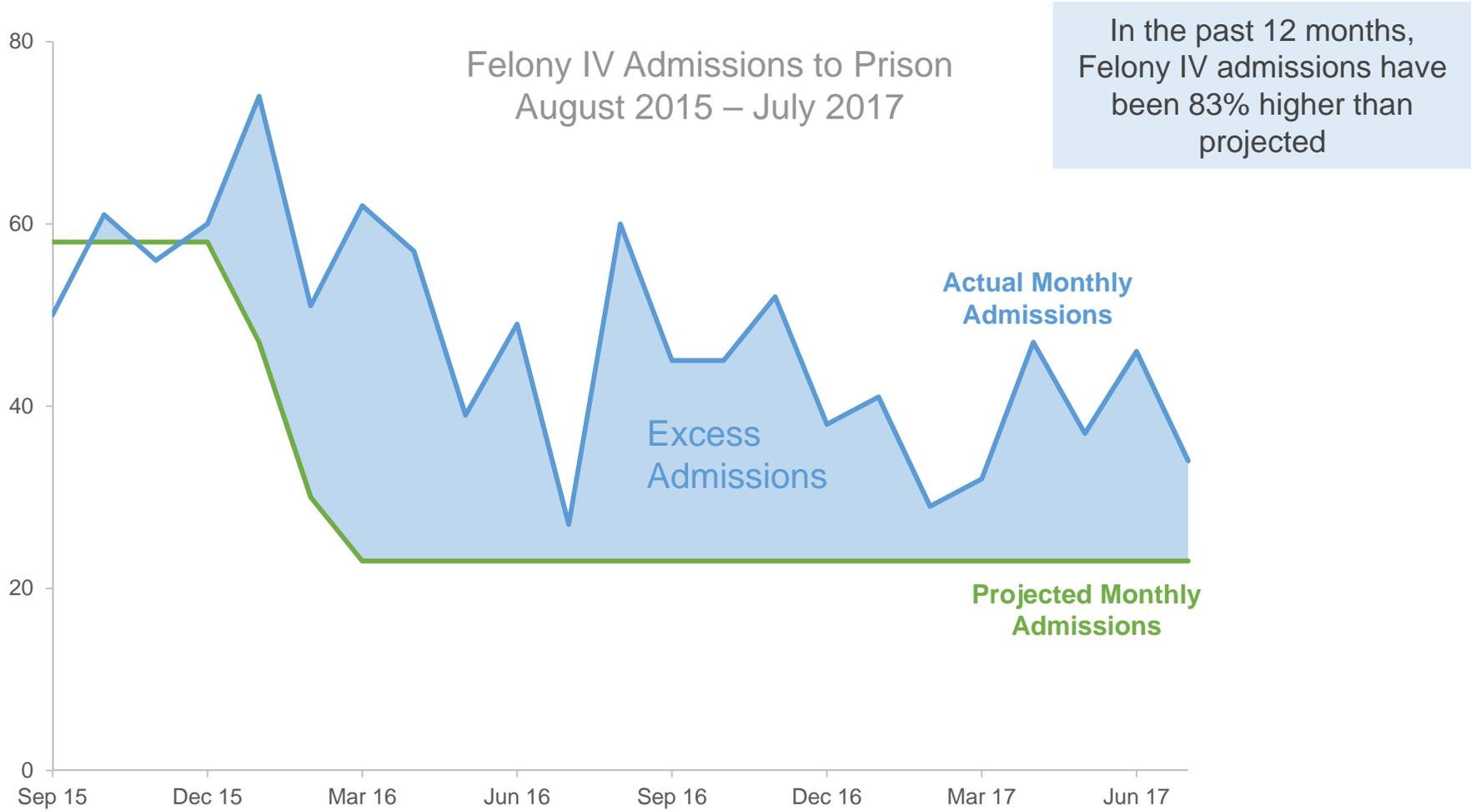
03 Key Takeaways and Recommendations



## CSG projected the impact of seven main policies on Nebraska's prison population

- 1 **Divert nonviolent, low-level offenses** (felony IV) to probation rather than prison or jail
- 2 **Increase thresholds** for property offenses to account for inflation
- 3 **Adopt parole guidelines** to ensure that parole-eligible Class I, II, and IIA felons receive at least 9 months of supervision on parole
- 4 **Use graduated sanctions** (including short periods of incarceration) in response to non-compliance on parole to reduce revocations to prison
- 5 Respond to major probation violations with **short periods of incarceration** followed by supervision **in lieu of revocation**
- 6 Require that **misdemeanor sentences to incarceration be served in jail** rather than prison
- 7 Provide periods of incarceration followed by **post-release supervision** for people convicted of Class III, IIIA, and IV felonies

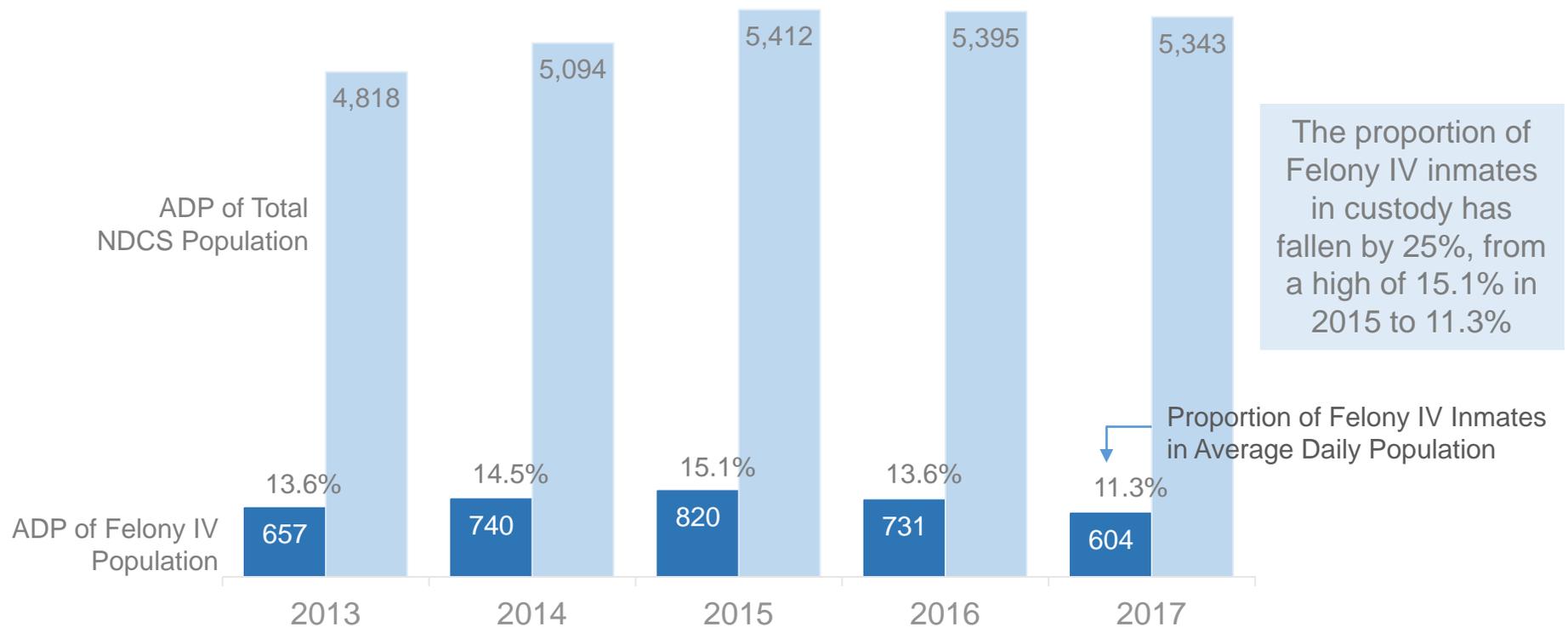
# Policies 1 & 2 account for 48% of the 5-year projected prison bed impacts, but admissions to prison have not declined as anticipated



Source: NDCS Monthly Tracking spreadsheet 8.8.2017

# 1 & 2: Felony IV's are making up less of the prison population under the sentencing changes

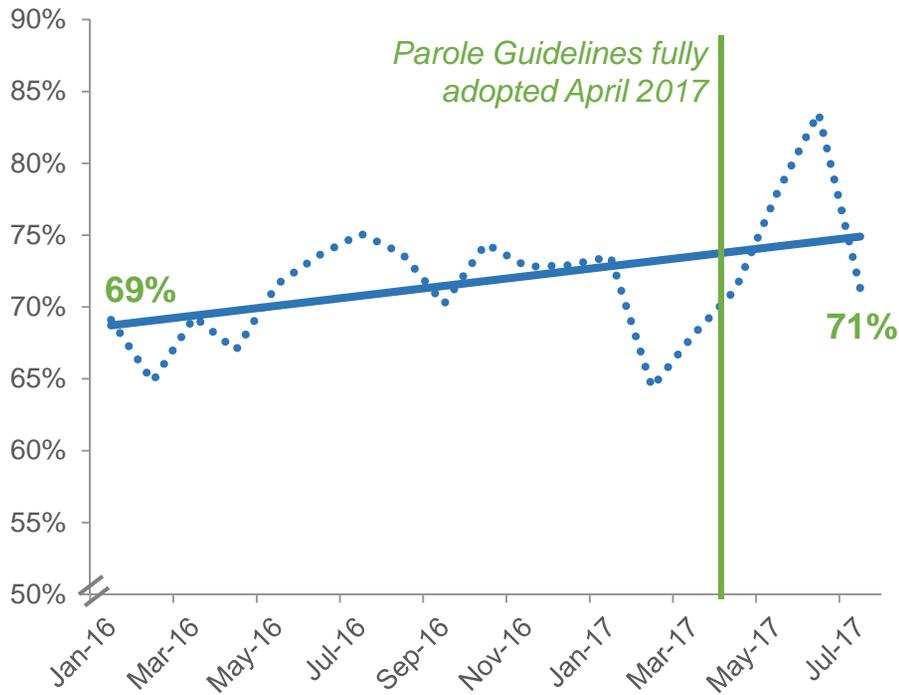
Average Daily Populations 2013 - 2017:  
Total and Felony IV Populations



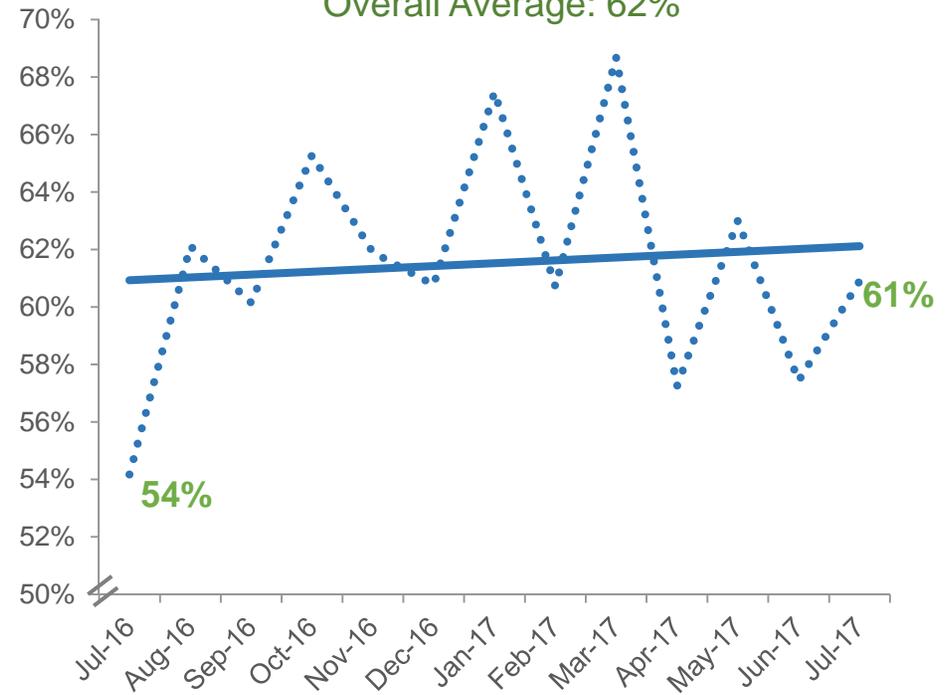
Source: NDCS email from Abby Carbaugh, 8.18.2017

### 3: The parole grant rate grew as the Board worked to release people with at least 9 months of supervision

Parole Grant Rate by Month:  
January 2016 – July 2017



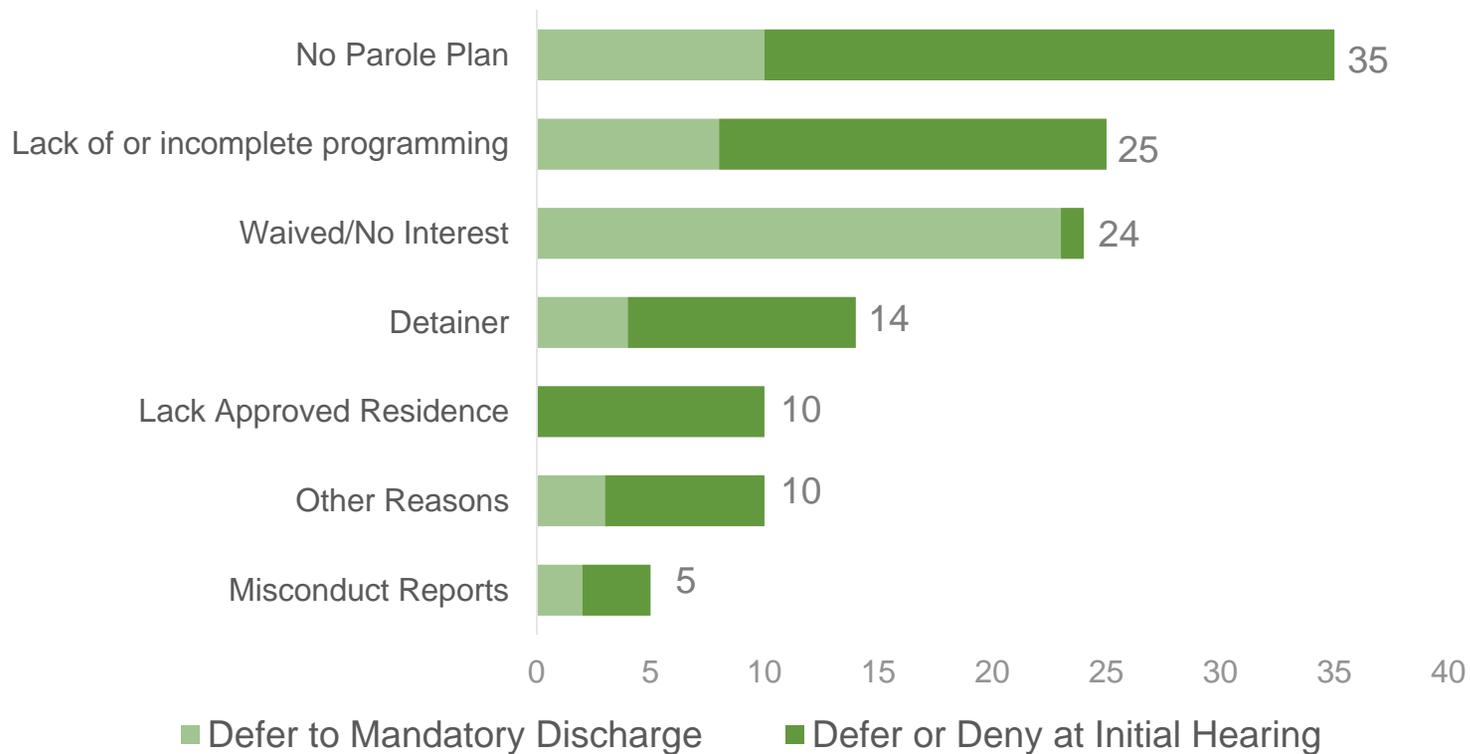
Percentage of People Paroled with  
at least 9 Months of Supervision  
**Overall Average: 62%**



Source: Board of Parole, July 2017

### 3: Although the Parole Board has made improvements, many people are denied parole for reasons that could be addressed

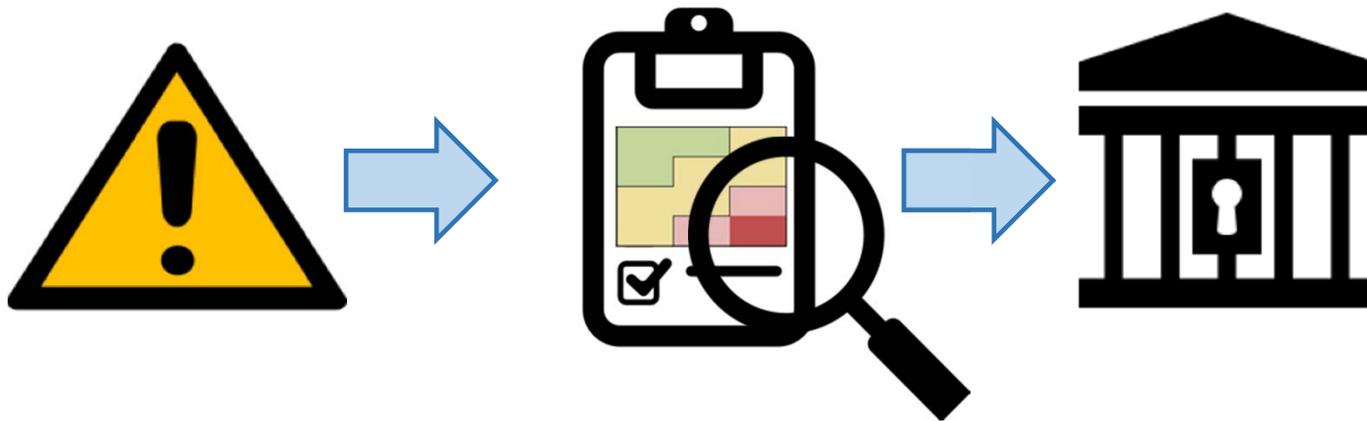
Reasons Board of Parole Denied Parole, January – July 2017



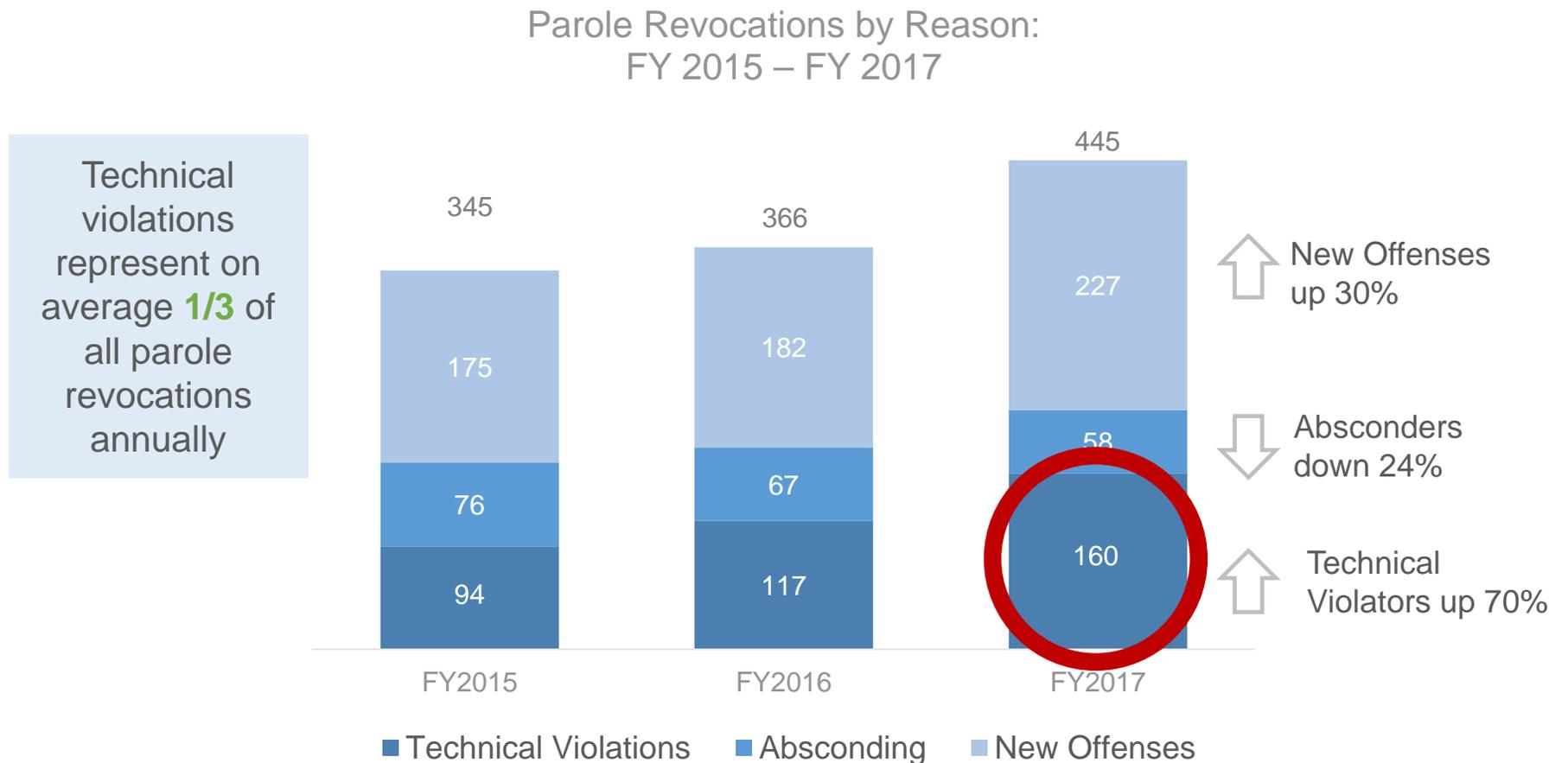
Source: Board of Parole, January 2017 - July 2017 (Reasons for denying or deferring parole)

## 4: Parole officers began using the new supervision matrix on July 1, 2017

- Gives officers guidance on how to sanction parole violations or incentivize good behavior
- Aims to reduce the number of people on parole who revoked back to prison on technical violations
- Uses short periods of incarceration followed by resumed supervision (custodial sanctions)
- Projected to reduce the prison population by 126 beds over 5 years
- Originally projected to start having an impact in February 2016

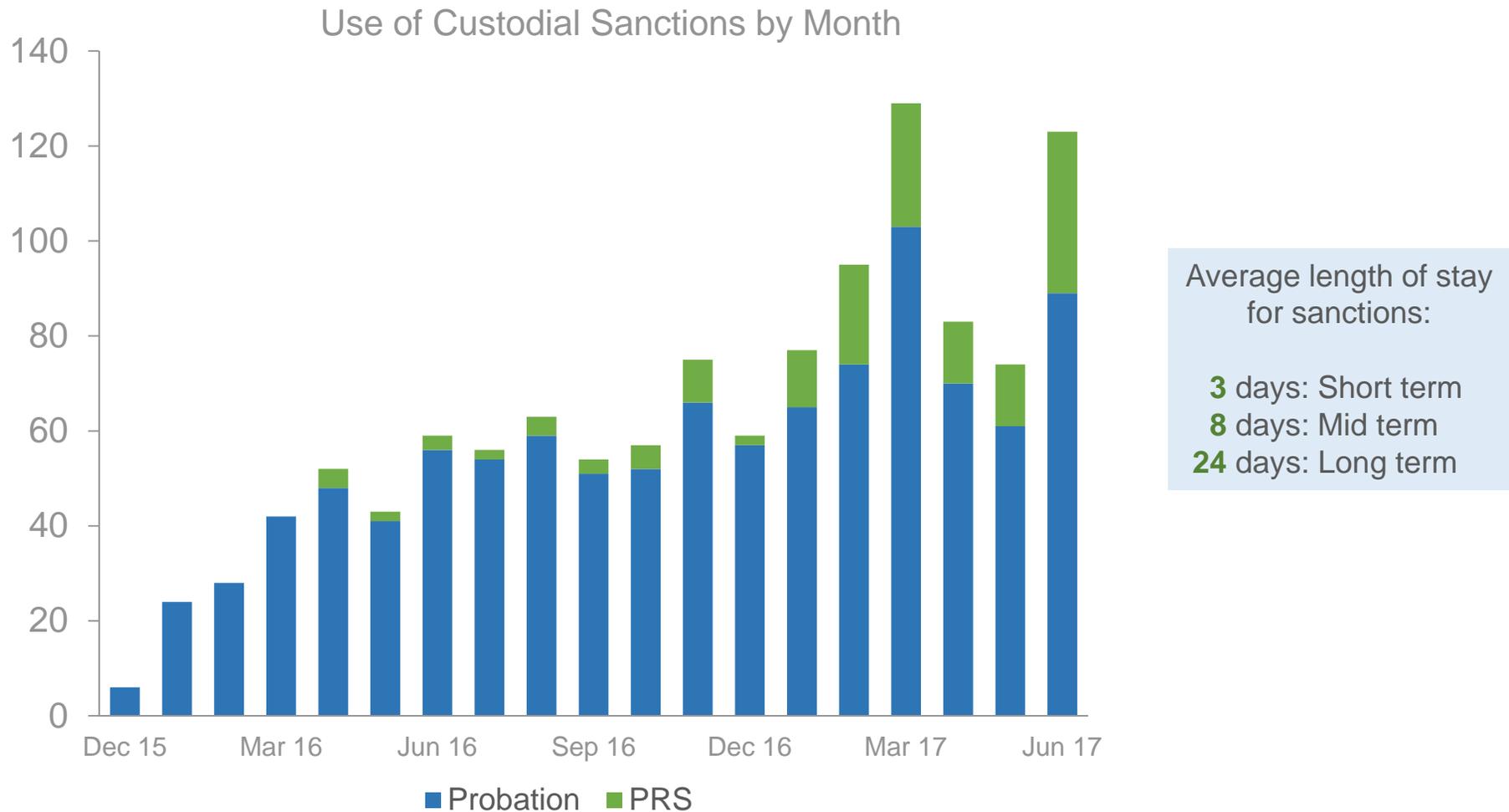


## 4: Parole revocations overall have increased 29% from FY 2015, largely due to technical violations and new offenses



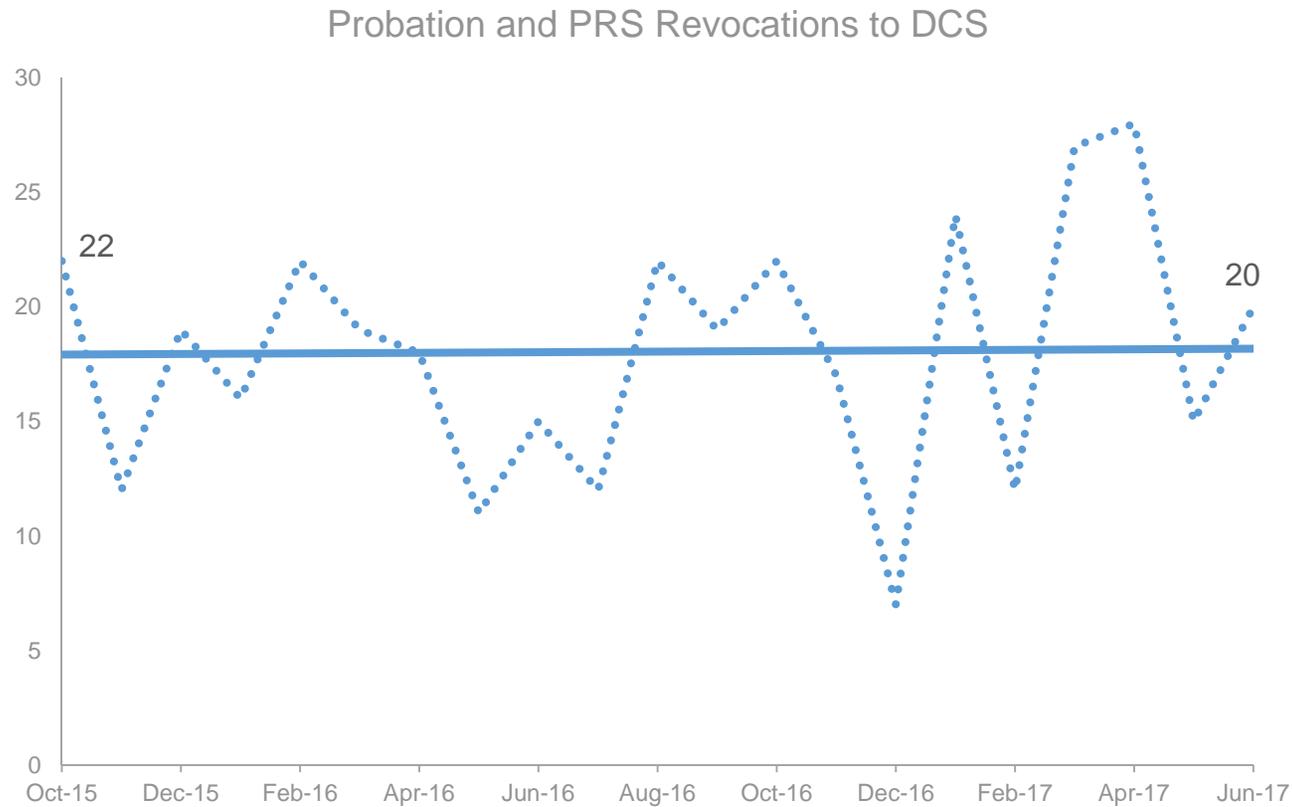
Source: Parole email from Jennifer Miller, 8.21.17

## 5: Probation is using custodial sanctions widely, a policy that accounts for 12% of projected impacts



Source: AOP's "Phase 2 data tracking version 2" spreadsheet

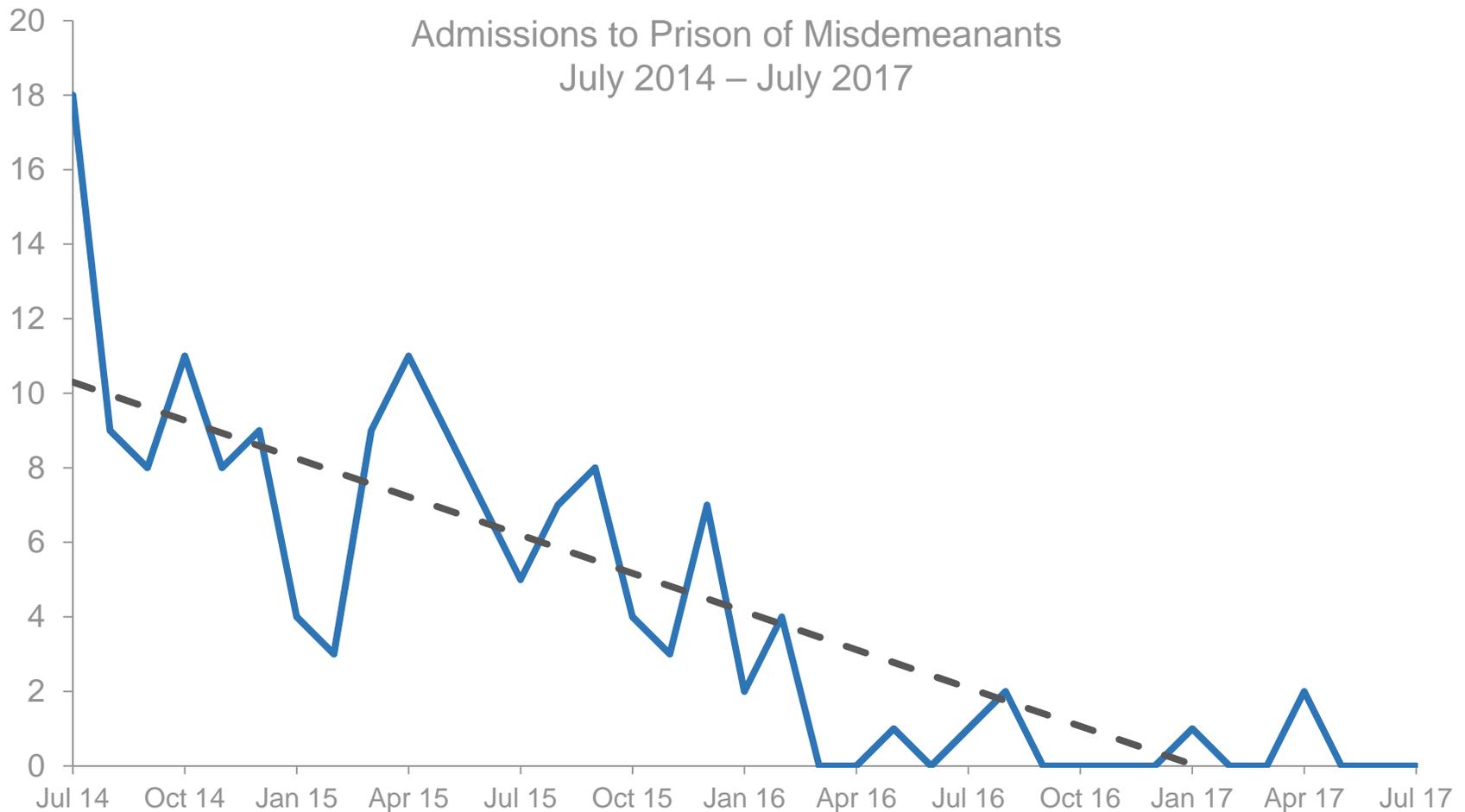
## 5: Felony probation revocations back to prison are flat



Average length of stay in prison for a probation revocation is **17.5** months

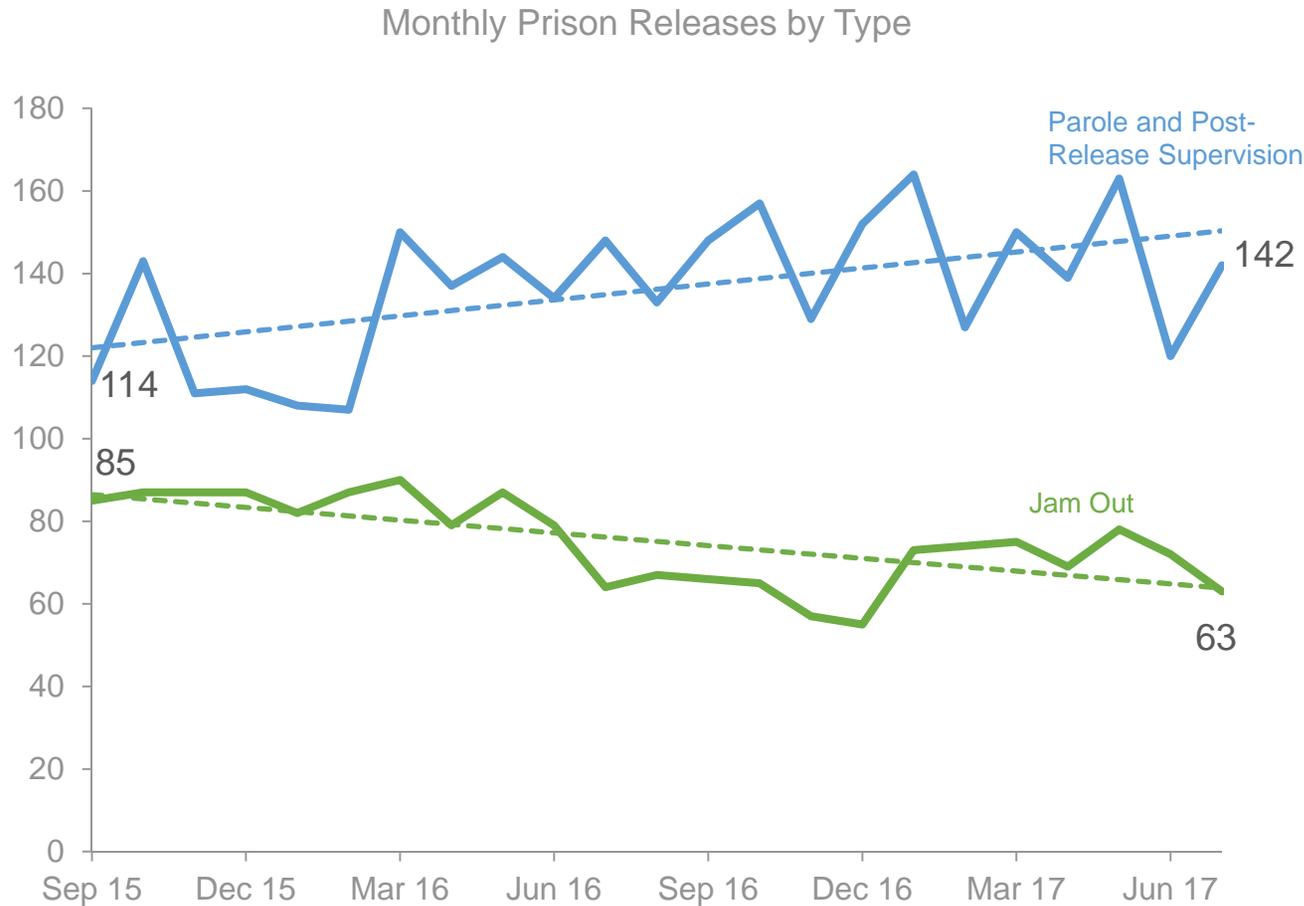
Source: AOP's "Phase 2 data tracking version 2" spreadsheet; Average length of stay from Phase I data analysis by the CSG Justice Center

6: Misdemeanant admissions to prison decreased from 106 in FY 2015 to 41 in FY 2016 to just six in FY 2017



Source: NDCS Monthly Tracking spreadsheet 8.8.2017

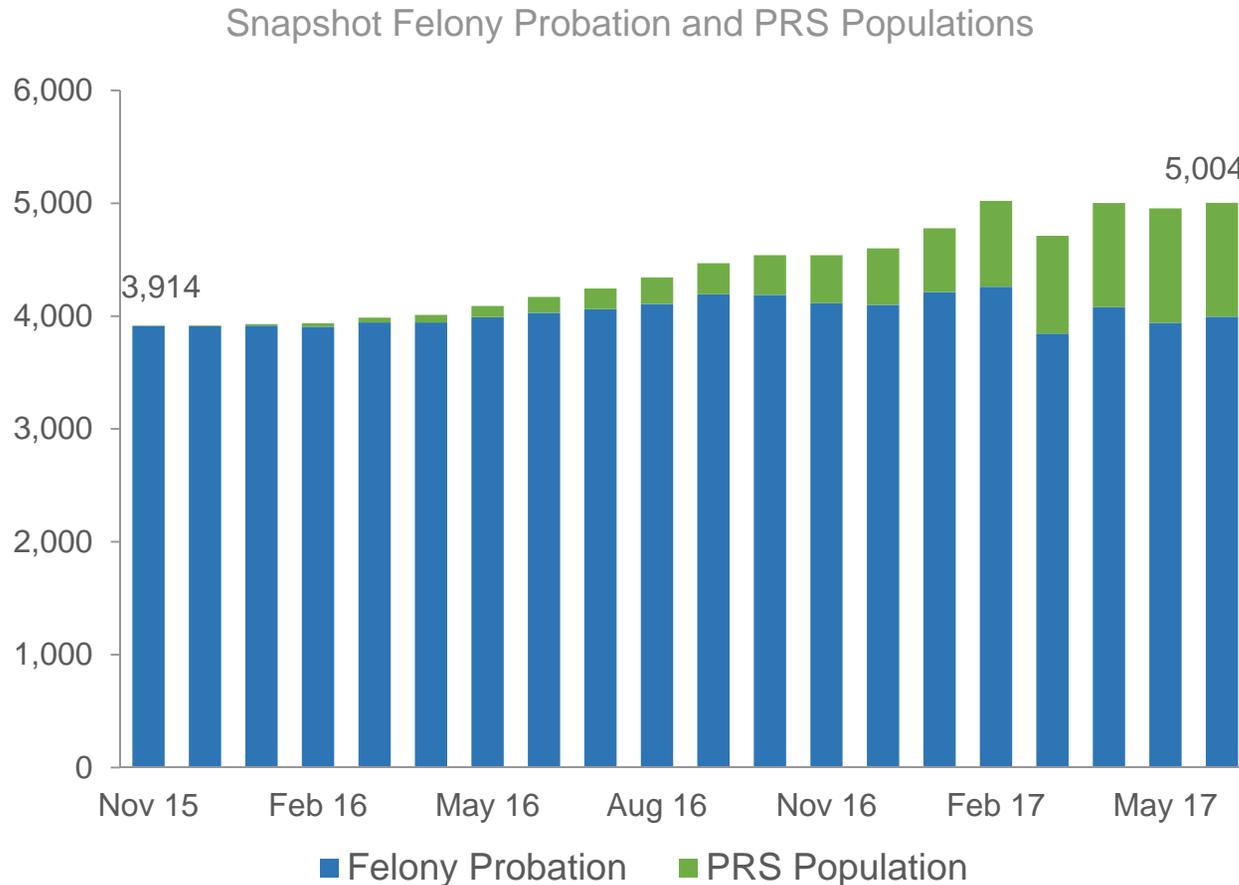
## 7: Jam outs are decreasing as an increasing proportion of people are being released from prison on supervision



Jam outs  
**declined 20%**  
since Sept 2015

Source: NDCS Monthly Tracking spreadsheet 8.8.2017

7: The total felony population supervised by AOP grew by 1,090 between November 2015 and June 2017



Felony population supervised by AOP **increased 28%** since Nov 2015

AOP used LB605 upfront reinvestment funds to open **5** new reporting centers and hire **68** field and administrative staff

Source: AOP's "Phase 2 data tracking version 2" spreadsheet

# Overview

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## Implementation leaders have taken steps toward JR sustainability

- **A justice reinvestment data analyst position has been created at the Nebraska Crime Commission**, funded by NDCS, at the request of the justice reinvestment steering committee who will be responsible for analyzing and reporting on criminal justice data
- **The steering committee has committed to continue to meet and collaborate** - Crime Commission Director Darrell Fisher and HHS Behavioral Health Director Sheri Dawson will join meetings moving forward to add additional perspective to the committee's work
- **Seamless System of Services meetings are held on a regular basis** and allow for agency leaders and staff to work in partnership across branches of government
- **The legislative Committee on Justice Reinvestment Oversight continues to meet**

## More can be done to sustain LB 605 policies



Sustain funding for probation and parole



Develop opportunities to strengthen evidence-based practices and quality assurance for risk assessment and programming



Put protections in place to ensure accuracy of agency data reports

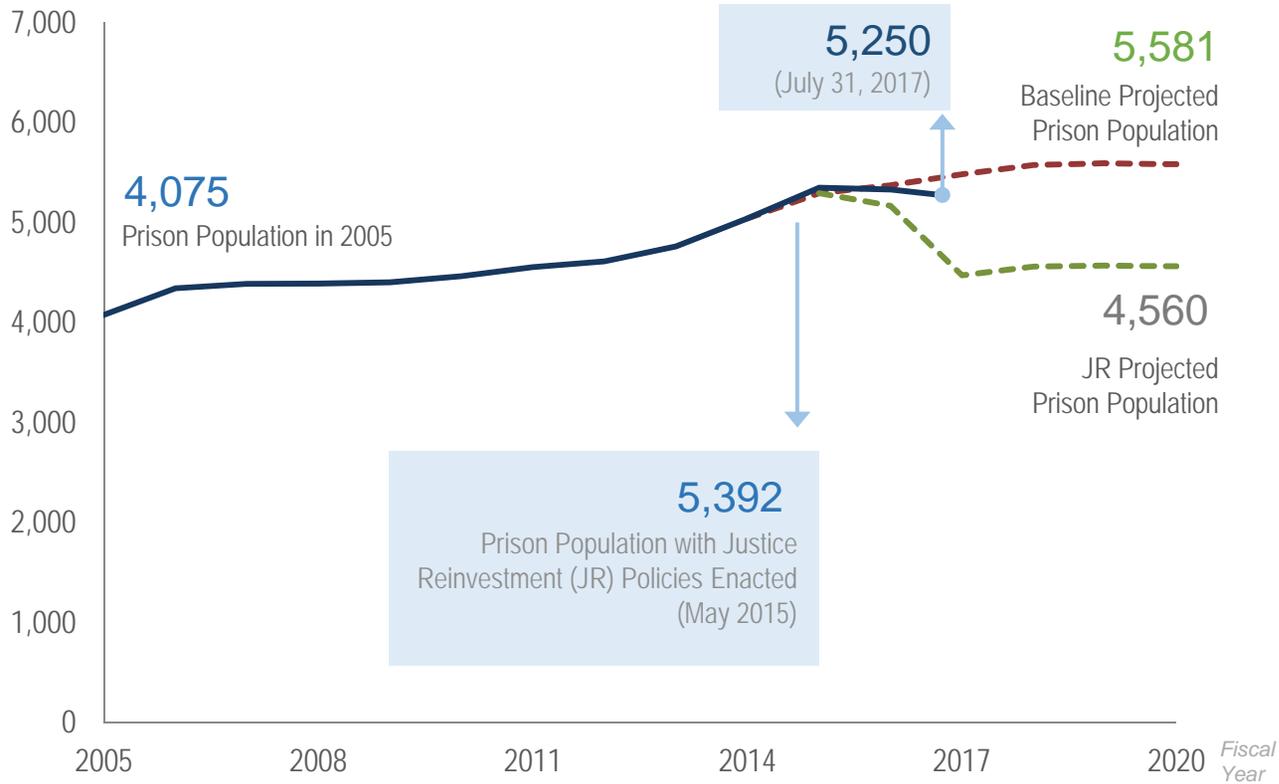


State leaders, policymakers and agency staff need to continue to work in partnership across branches of government



Nebraska is required by the Bureau of Justice Assistance to continue to report monthly data metrics to CSG for the next two years

# Nebraska's prison population has decreased by 142 thus far



## PROJECTED OUTCOMES

**\$302M**

Averted construction and operations costs by FY2020

**1,021**

Fewer people in prison than the projected FY2020 population

## REALIZED OUTCOMES

**\$14.7M**

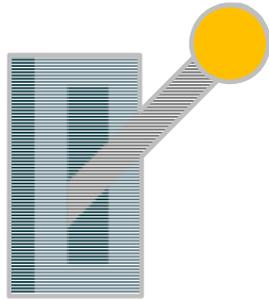
upfront reinvestments in FY2016 and FY2017

**1,000+**

more people supervised on release each year

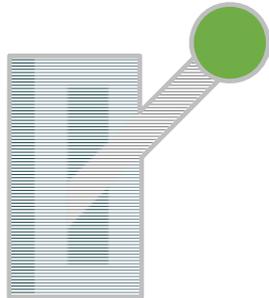
Source: Baseline projections were provided by the Nebraska Department of Correctional Services and represent fiscal year estimates. The actual population figures include inmates in NDCS facilities and state-sentenced inmates housed in county jails.

## Focus on these three metrics to maximize impact and reduce overcrowding



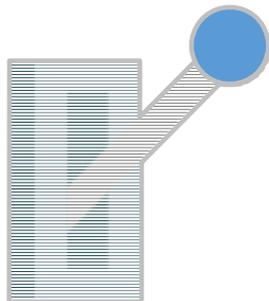
### Admissions to prison by felony class

Felony dispositions to prison fell **25%** since January 2015, while prison admissions have remained flat over a similar time period



### Parole grant rate

Of people denied parole in the past seven months, **42%** lacked a parole plan or institutional core risk reducing programming



### Parole and probation revocations to prison

In FY 2017, **36%** of parole revocations were for technical violations; moving forward similar violations should be diverted from prison in accordance with the the new supervision matrix and custodial sanctions

Source: Nebraska Crime Commission report, "Sentencing\_JUSTICE\_Data\_csg\_08182017.pdf"; NDCS Monthly Tracking spreadsheet 8.8.2017; Board of Parole, January 2017 - July 2017 (Reasons for denying or deferring parole); Parole email from Jennifer Miller, 8.21.17

## Continue to look for ways to divert low-level, nonviolent felonies away from prison and increase opportunities for community supervision



**Modify statutory language** to add more structure to felony sentencing: encourage probation for low-level felonies and meaningful parole windows for high-level felonies



Conduct further analysis on charging, case filings, and length of stay to use the results to **design targeted strategies** to increase judicial and prosecutorial buy-in to community supervision



**Create a sentencing information database** to help analyze sentencing practices throughout the state, as recommended during Phase I of justice reinvestment

## Ensure more people are parole ready in the institutions to foster more timely release from prison

Follow CSG's Justice Program Assessment recommendations and ensure that people are receiving **core risk reducing programming** prior to their parole eligibility date



Commit resources to **complete parole plans** in a more timely manner prior to parole board hearings



**Expand the responsibilities** of the Office of Parole Administration to encourage the agency to grow and build on its new foundation of evidence-based practices



## Accelerate work to reduce probation and parole revocations to prison



Ensure **administrative policies** emphasize using custodial sanctions in lieu of revocation, rather than in addition to it, to decrease the likelihood of net widening



Implement **regular booster trainings** for parole and probation officers on using the supervision matrix and appropriate sanction responses to violation behavior



Expand **behavioral health treatment** and programming for people on probation and parole

- Increase wraparound services for people in danger of going back to prison on a revocation
- Adopt long-term efforts to increase the behavioral health workforce in the state
- Incentivize community treatment providers to work with the criminal justice population

# Thank You

Sara Friedman, Senior Policy Analyst,  
sfriedman@csg.org

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reinvestment states across the country as well  
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NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

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# Felony Sentencing and Prison Trends

-- Justice Reinvestment Implementation Coordinating Committee --

Provided by Statistical Analysis Center Director (M. Fargen)  
08/22/2017

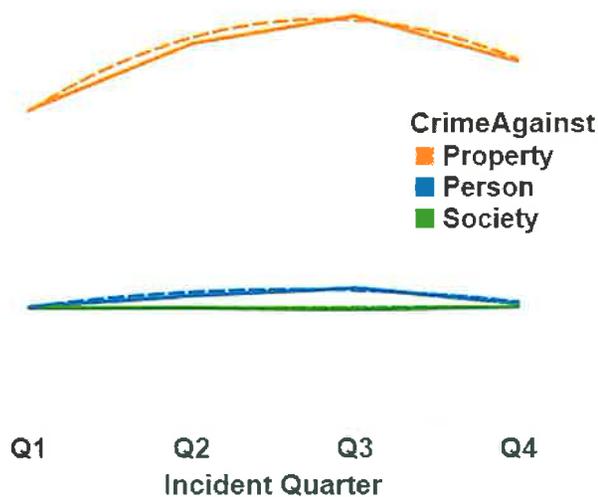
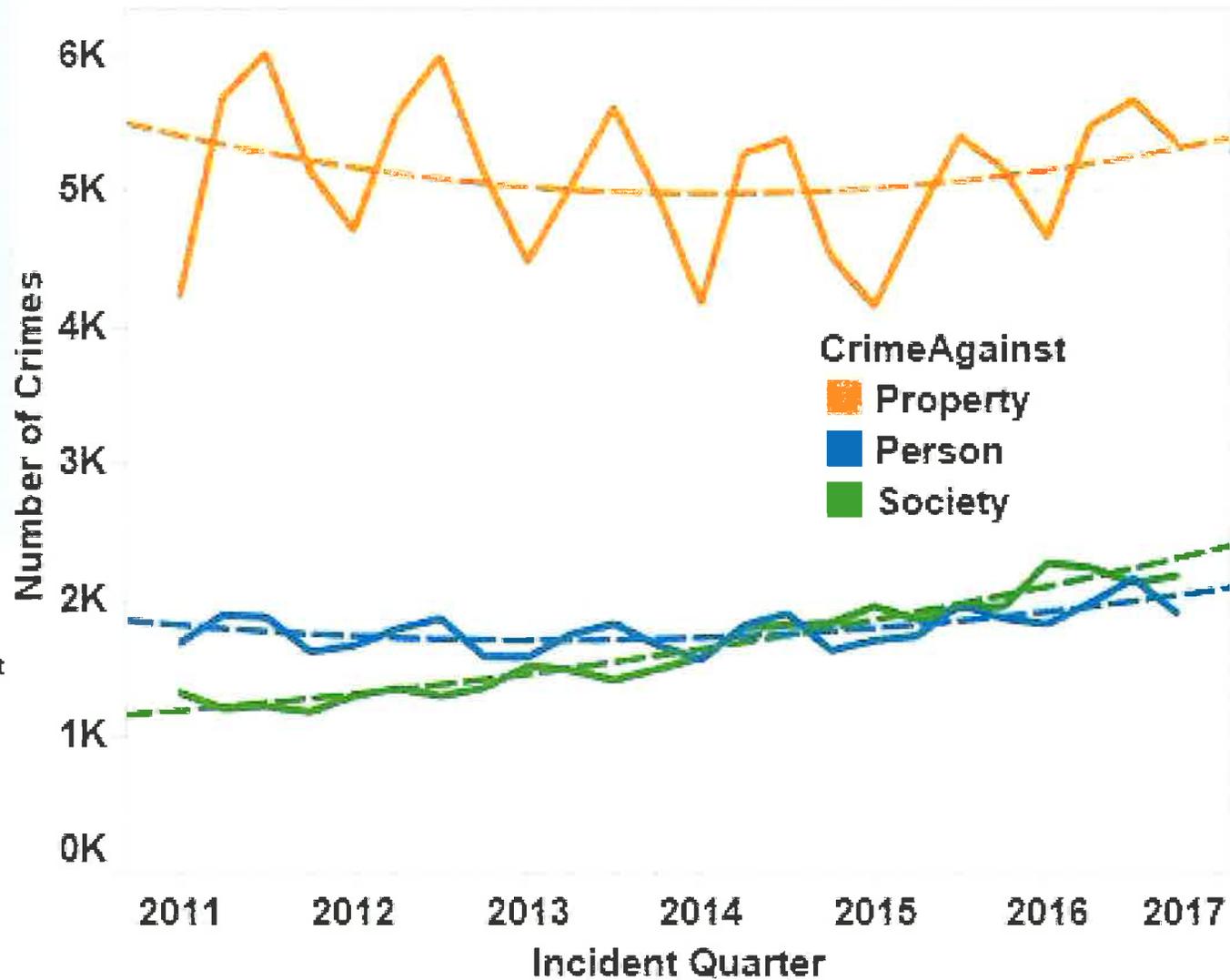
NEBRASKA

# Data

- Transaction Database (NCJIS) Vs Applied Database (Research)
- Applied Data Resources:
  - JUSTICE Extract (April 2011 – Present)
  - NIBRS (Uniform Crime Reporting)
  - Department of Corrections (Partnership/Public)
  - Problem Solving Court Data (Basic)
  - Jail (Adult/Juvenile)
  - Juvenile Program Data (Common Dataset Production)

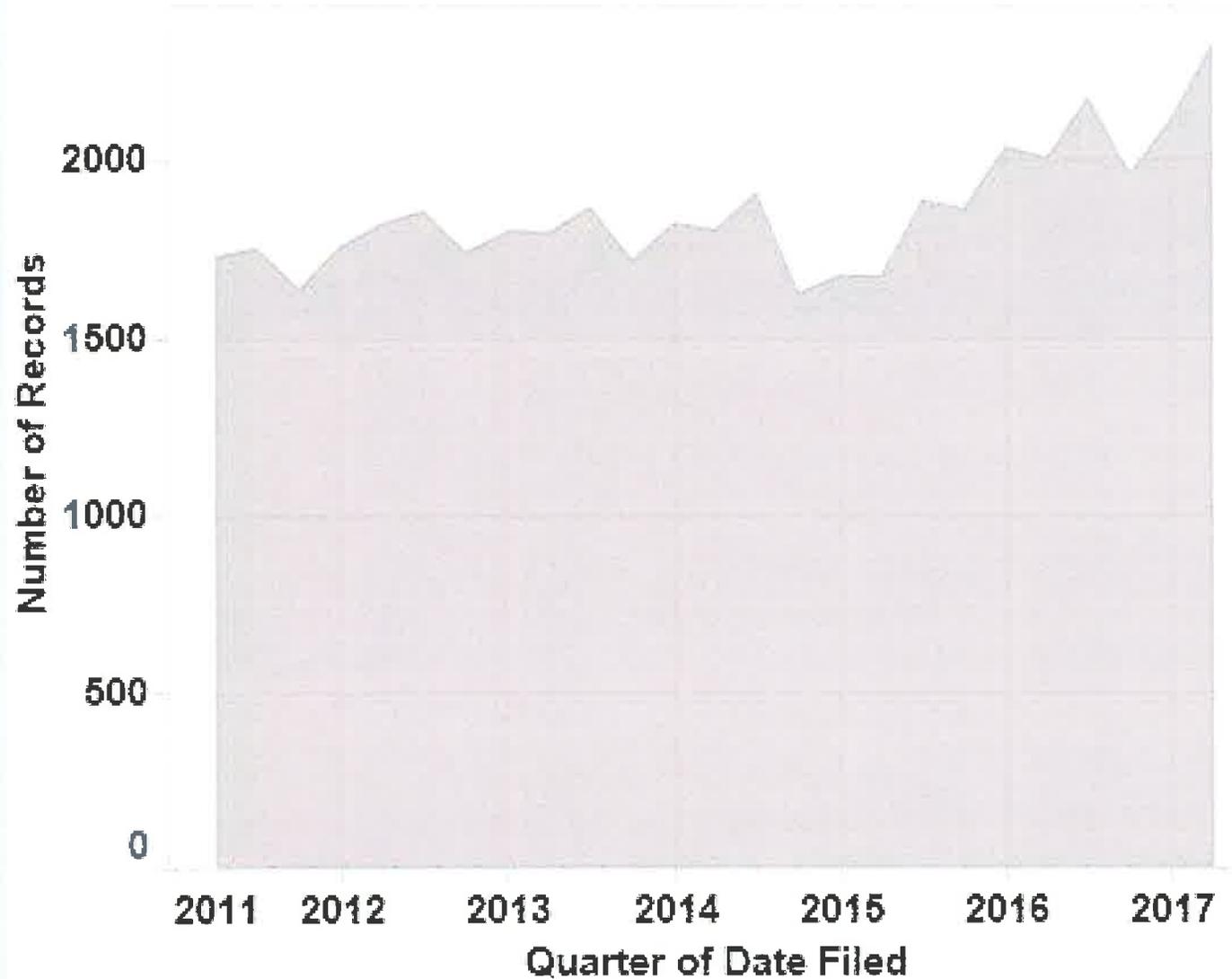
# Historic Crime Patterns (NIBRS)

- Only a portion of Law Enforcement participation
- Crimes against Property and Person Peak in Q3
- Crimes against Society Peak in Q1



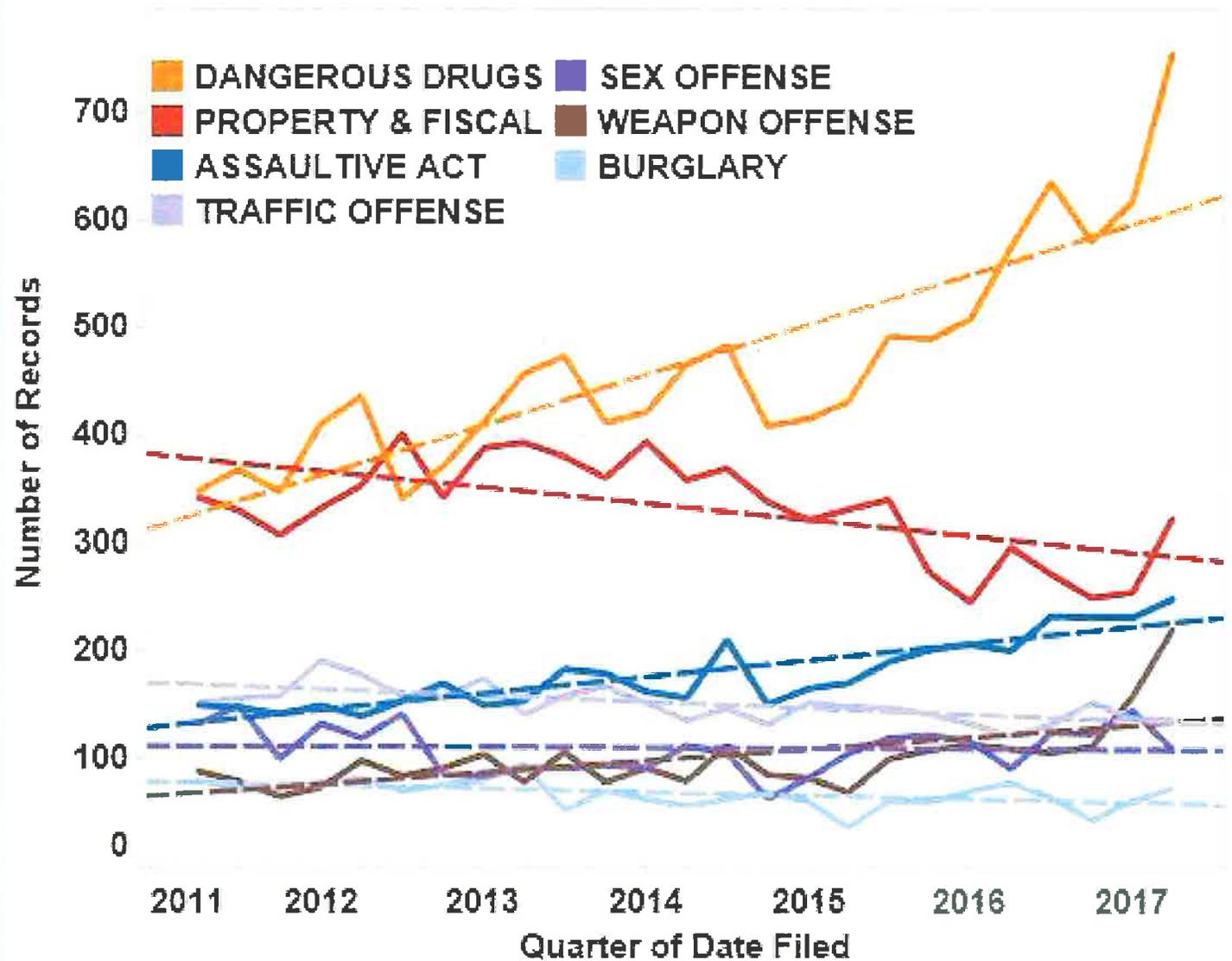
# Felony Filings (JUSTICE)

- Echo CSG Metric for Filing Increase
- Includes multiple Felony filings under one case



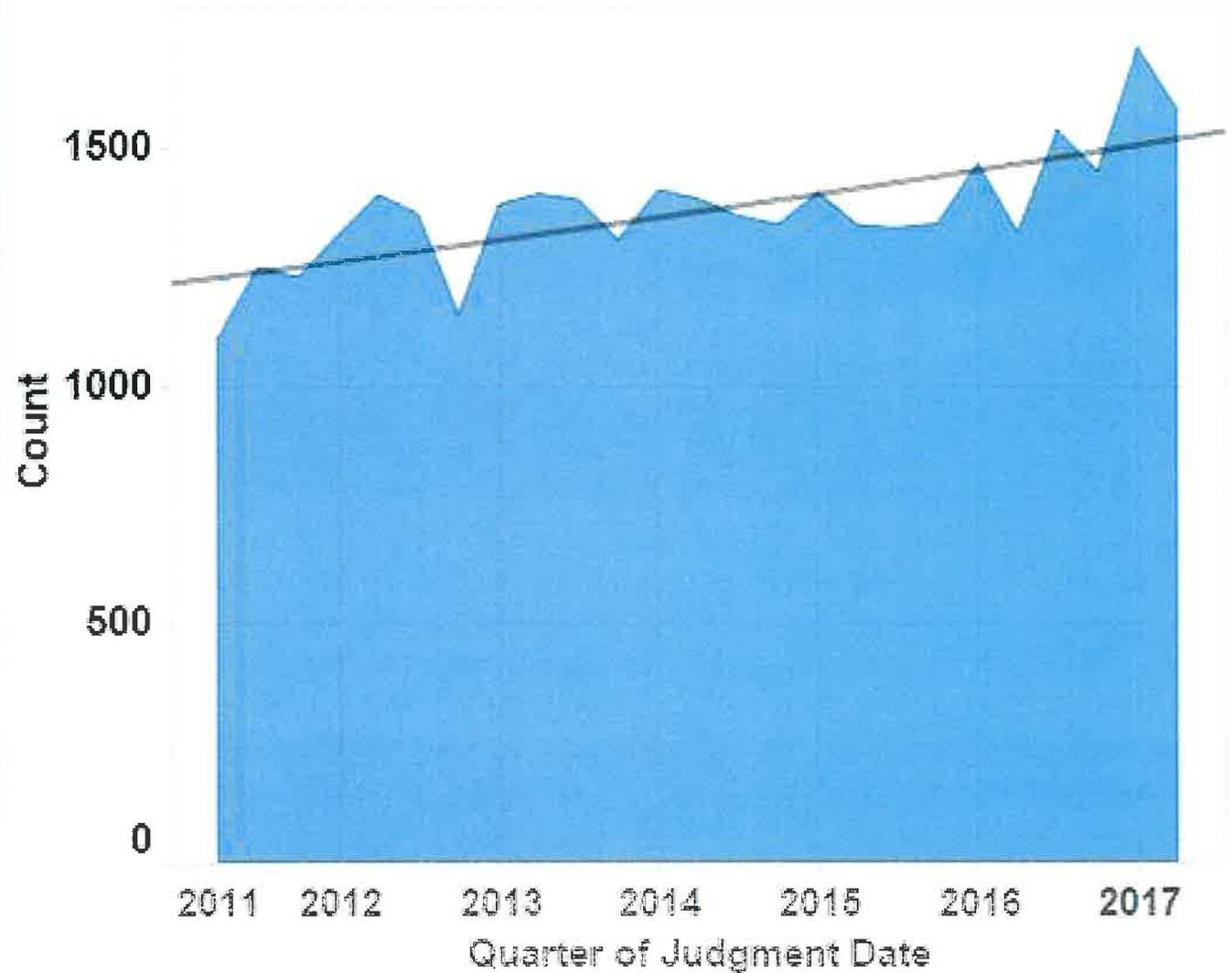
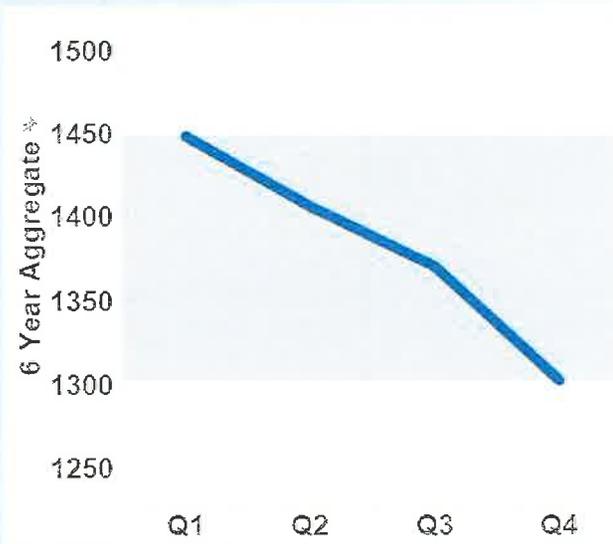
# Felony Filings (JUSTICE)

- Dangerous Drugs Category showing steady increase
- Includes multiple Felony filings under one case



# Felony Sentencing (Individuals) (JUSTICE)

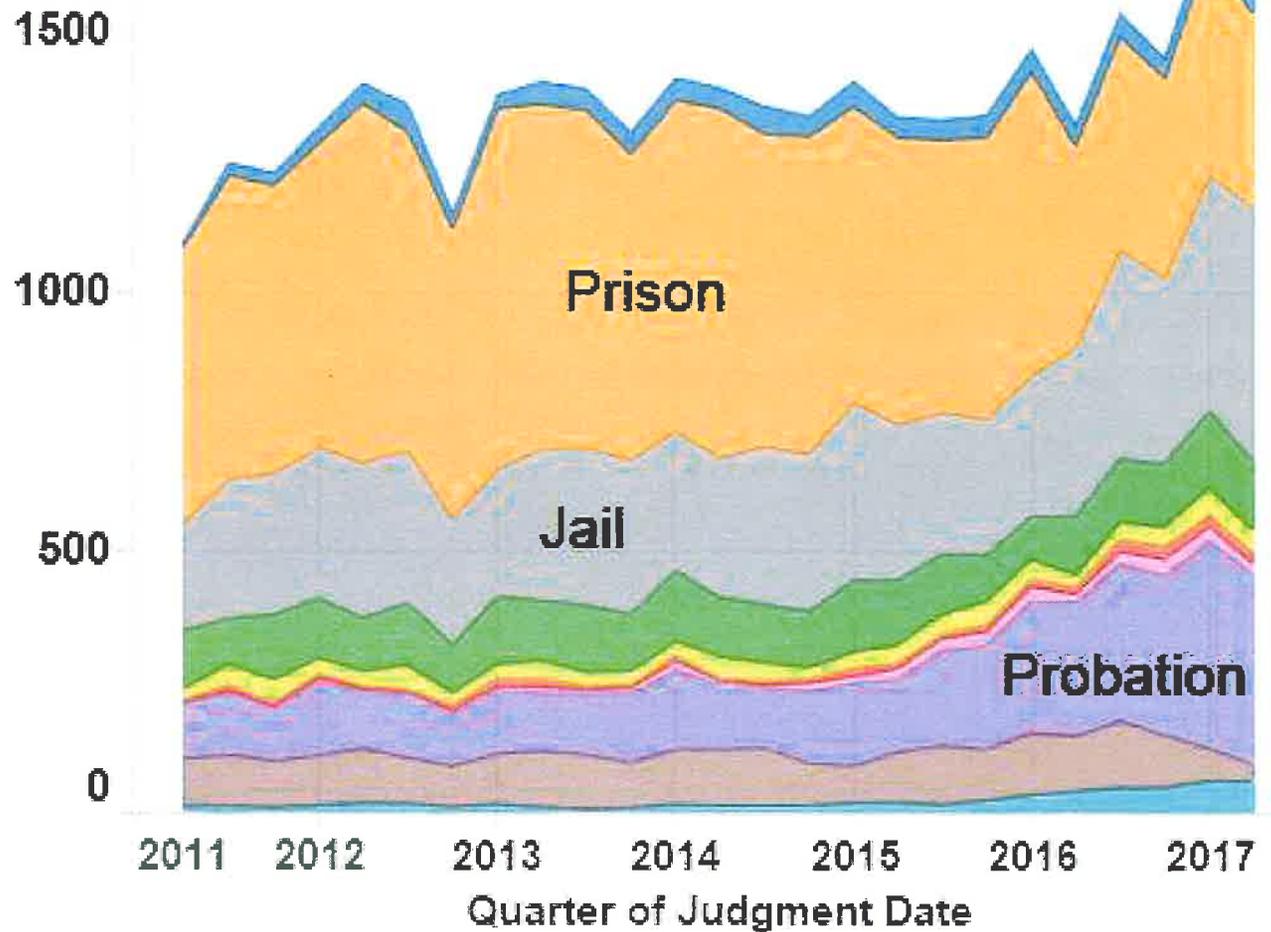
- Increase in Q1 of 2017.
- Is perceived increase softening the impact of LB605?
- Historically we should expect an increase in Q1



# Felony Sentencing Stacked Line

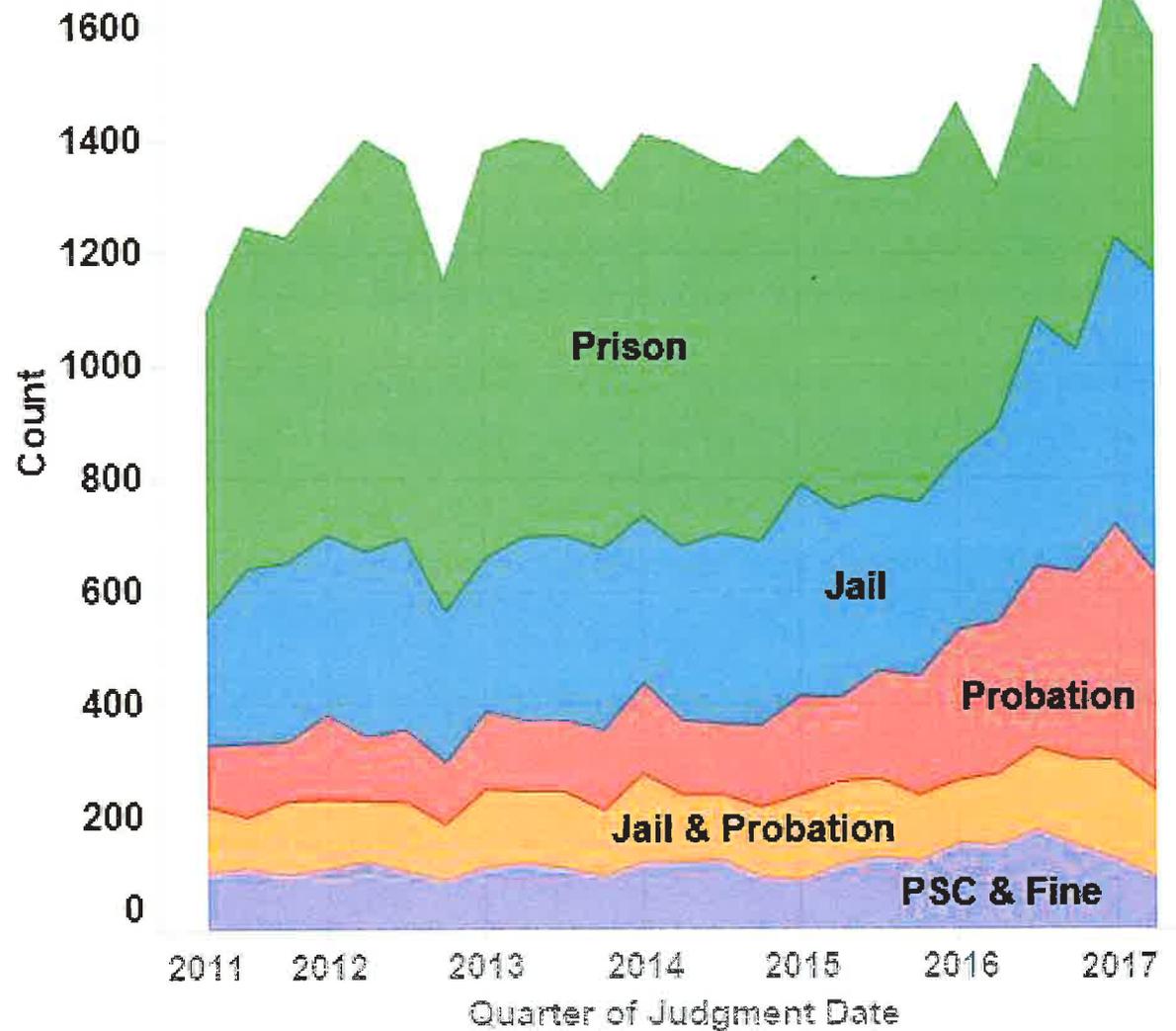
- Sentence Types:

- Prison Revocation
- Prison
- Jail
- Probation & Jail
- Full Jail Credit
- Probation (Credit)
- Probation Revocation
- Probation
- Problem Solving Ct.
- Fine



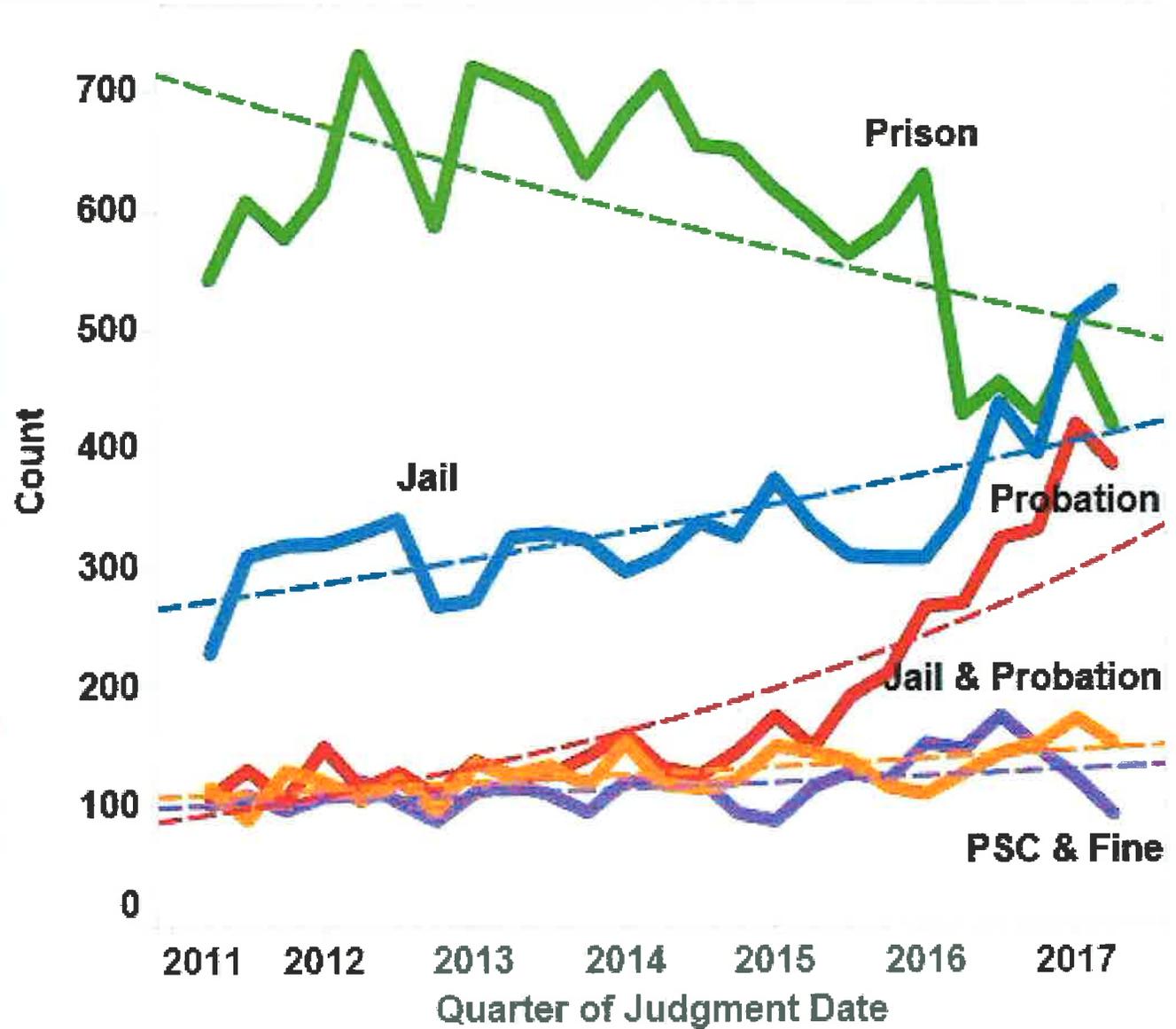
# Felony Group Sentencing Stacked Line

- Decrease in Prison Sentencing
- Increase in Jail Sentencing
- Increase in Probation Sentencing
- Problem Solving Court Instances for May and June need updated.
  - Needed to be included in analysis due to felony related



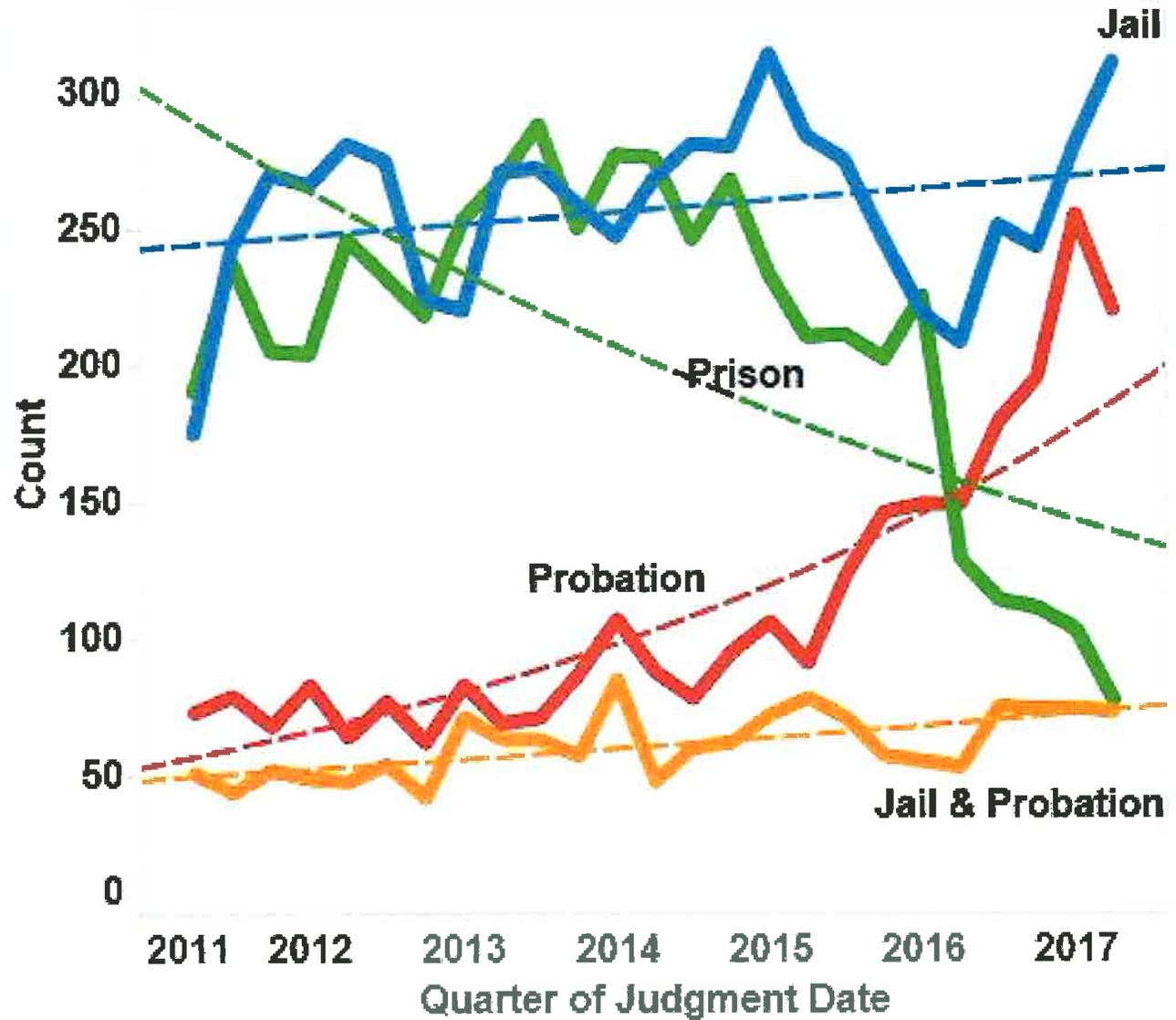
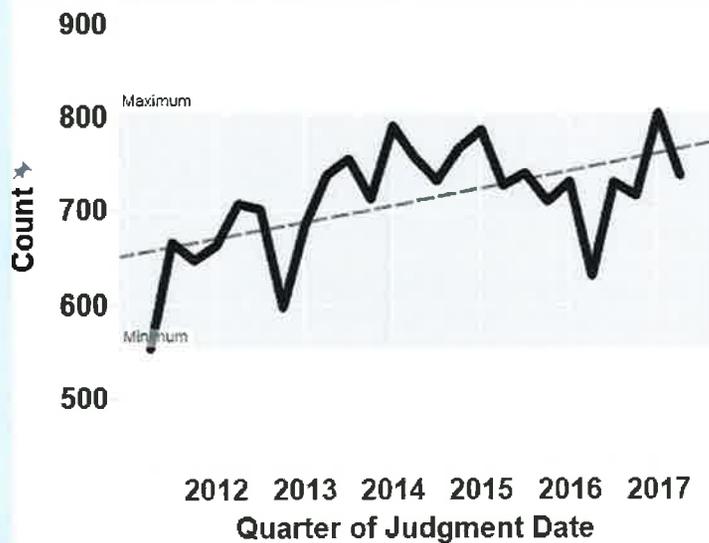
# Felony Sentencing Trend Lines

- Prison trending downward, Jail and Probation trending upward. (Right)
- Expected results
- Incarceration Sentencing **Prison & Jail Combined** (Below)
- **Sentence Length Analysis Needed**



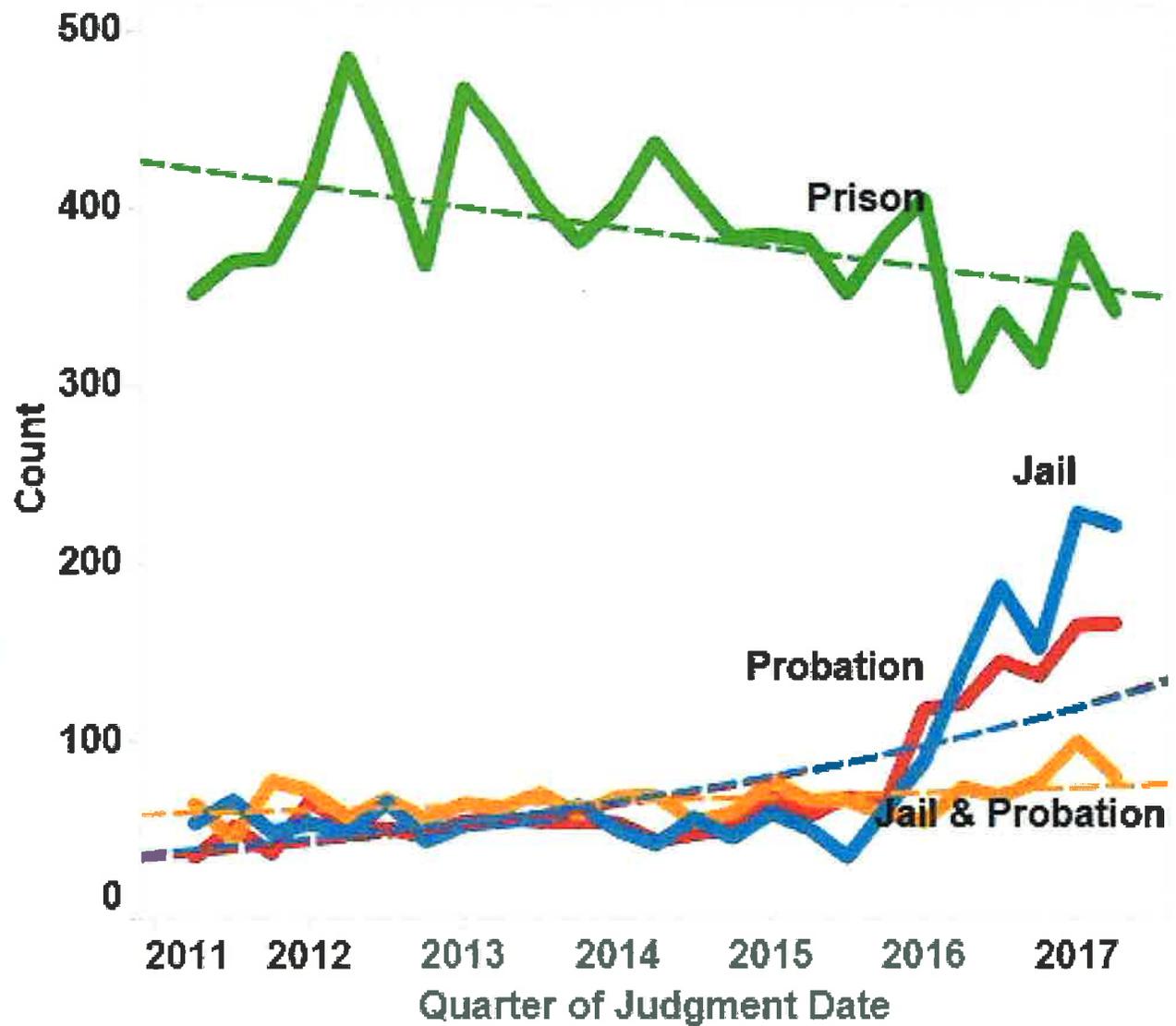
# Felony IV Sentencing Trend Lines

- Felony 4 Prison sentencing declining
- Jail and Probation Felony IV sentencing trending upward.



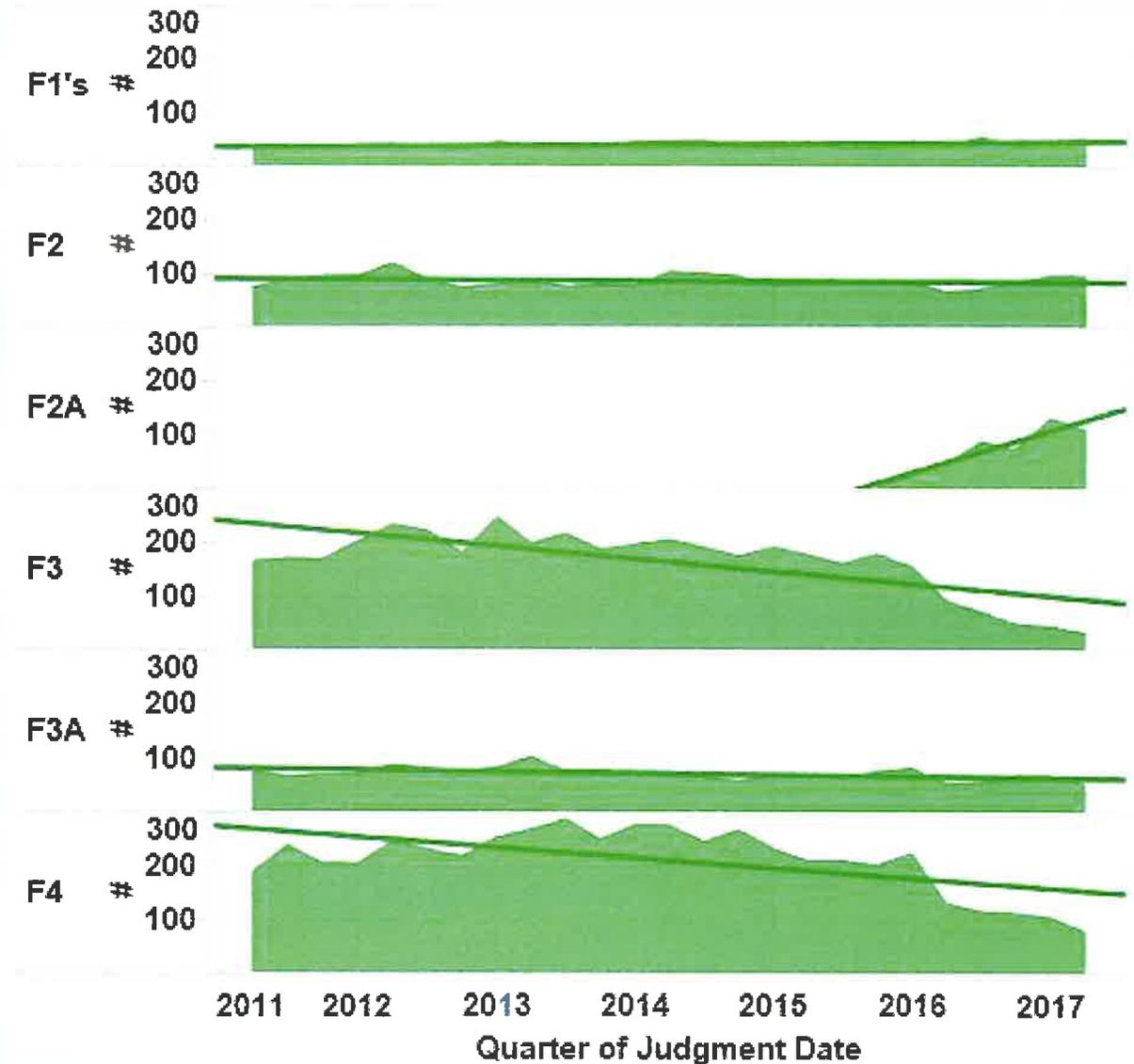
# Felonies other than a Class IV Felony

- Prison sentencing slightly declining
- Jail and Probation Non-Felony IV sentencing increasing.



# Prison Sentence by Classification

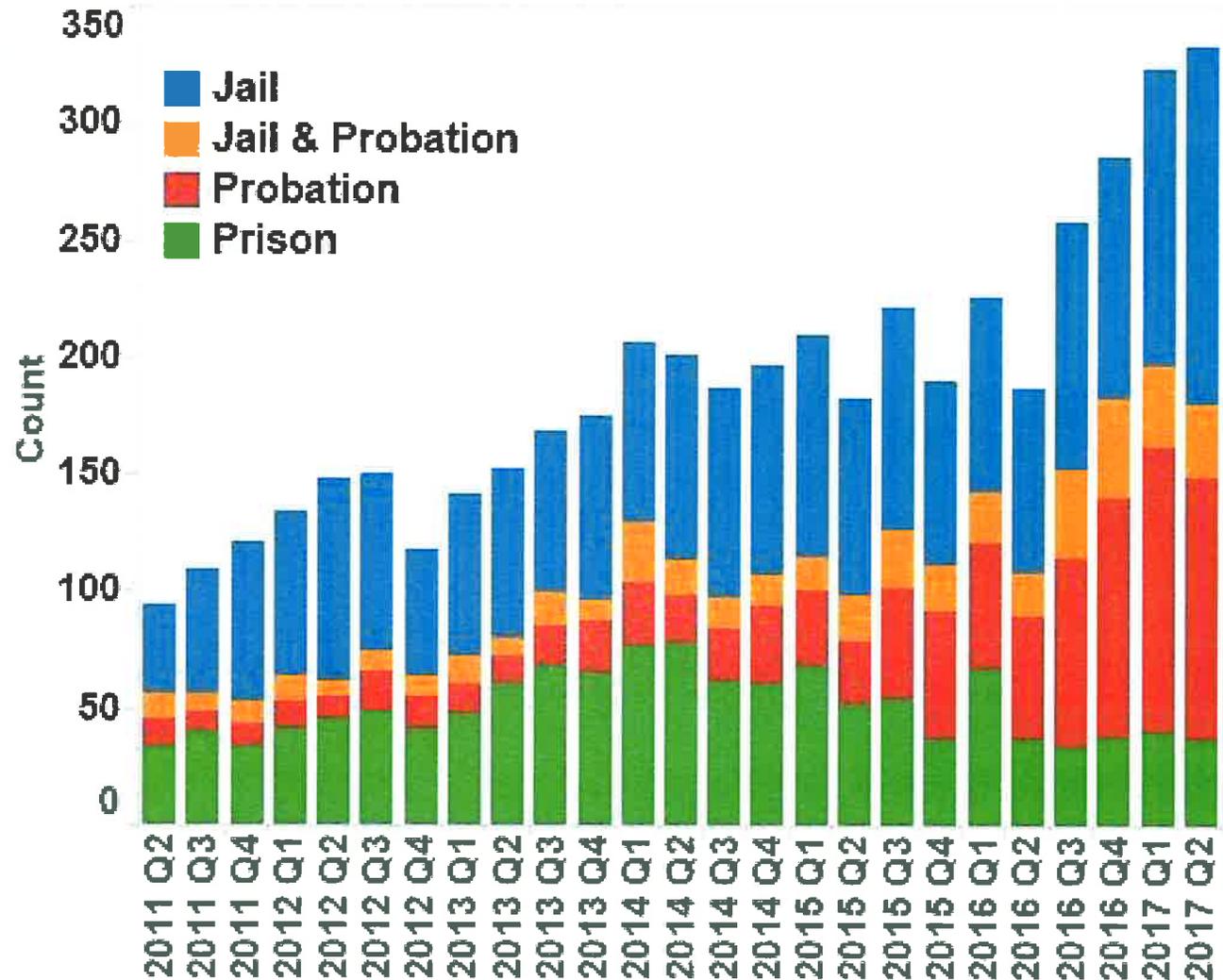
- Utilization of Class IIA Felony
- Class III and Class IV decrease.
- Sentence Length analysis even more of a necessity.
- Most Serious Offense.
  - Analysis needed to investigate cases involving multiple offenses



# Felony IV Sentencing

## Example: 28-416(3)(Possess controlled substance)

- 28-416(3) Possess controlled substance highest frequency amongst Felony IV sentences
- 94 Total in 2011 Q2
- 334 Total in 2017 Q2
- Note Slide Five indicates an increase in 'crimes against society' this includes crimes related to drugs

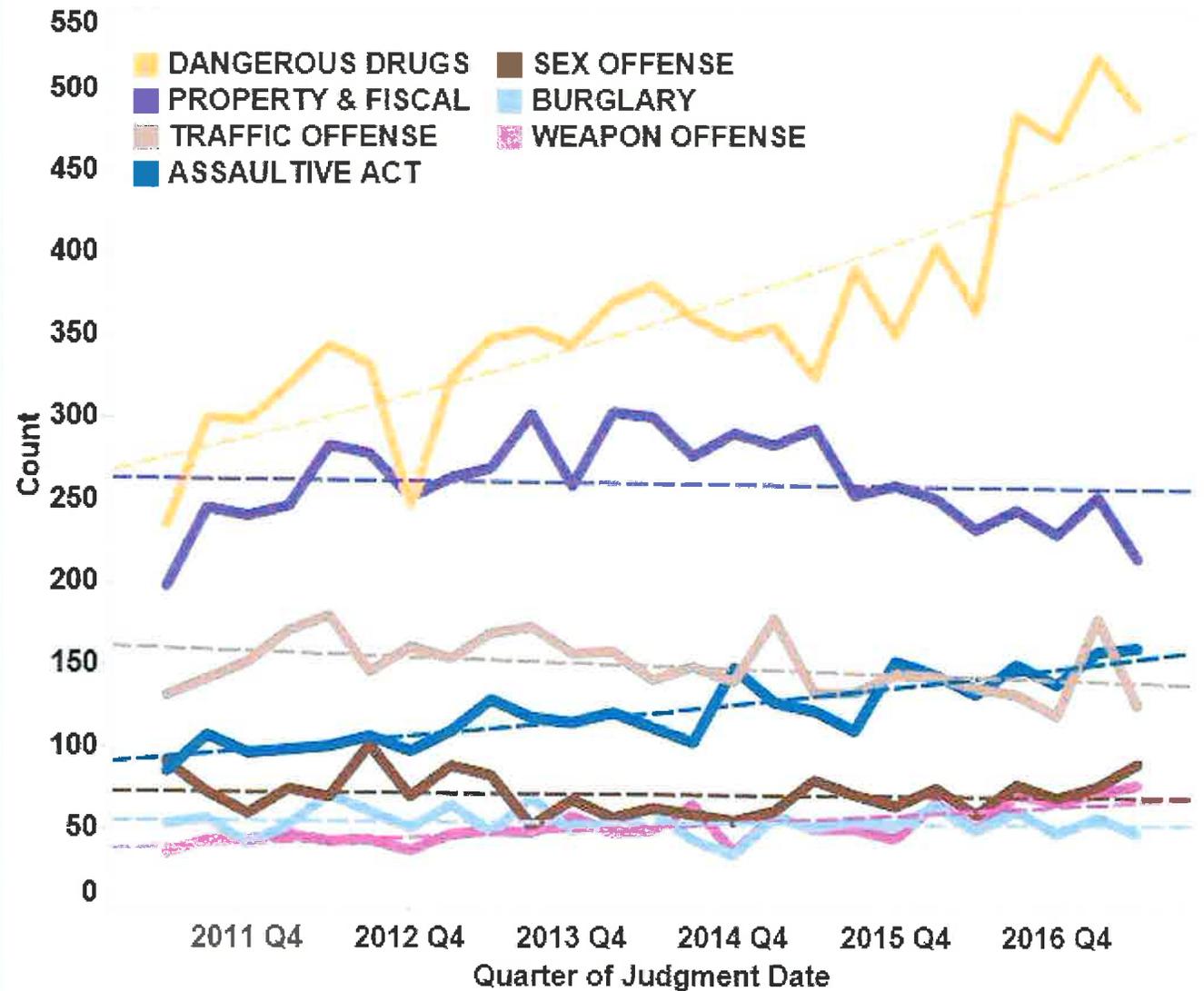


# Sentencing Offense Characteristics (All Sentence Types)

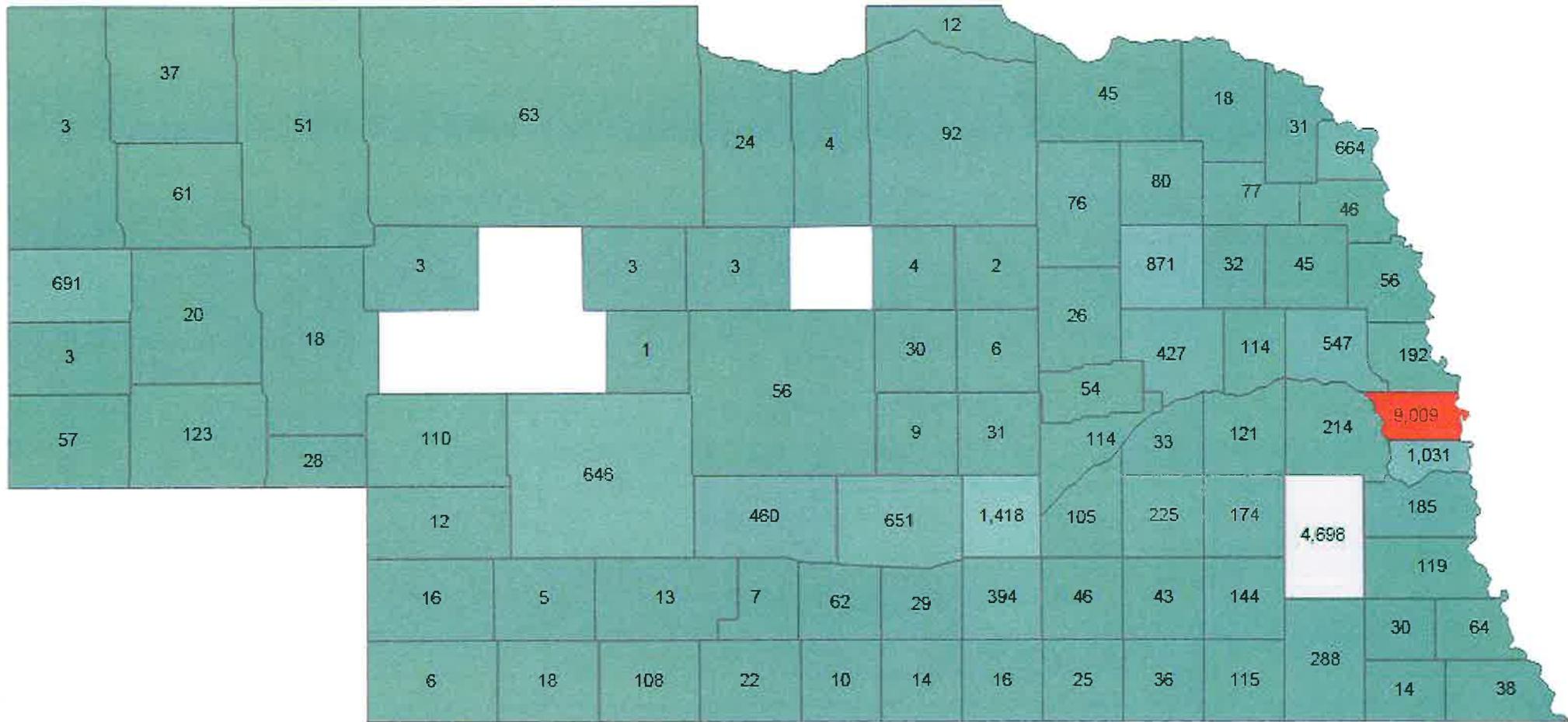
- Crime Category established by NCIC Codes
- Dangerous Drugs increasing
- Assaultive Acts also increasing

More statute utilization analysis necessary.

Note this does not include all offense categories, due to changes in NCIC codes

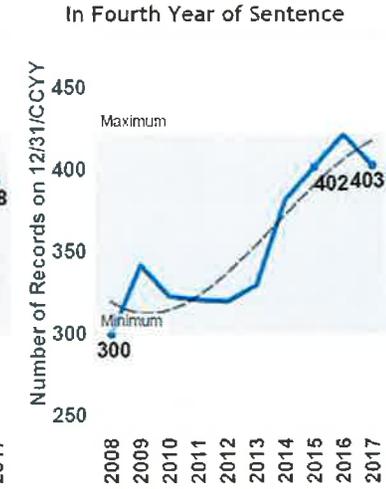
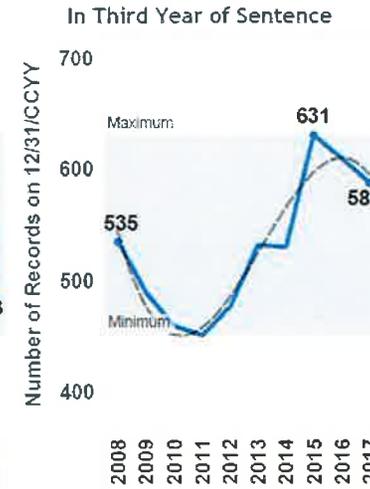
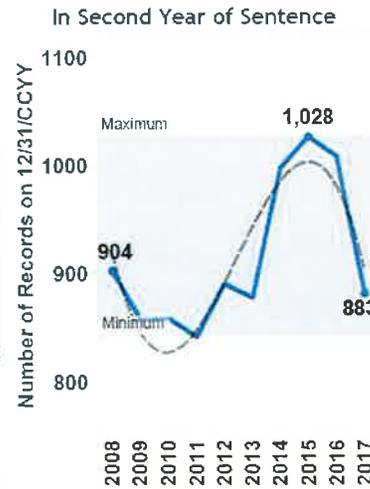
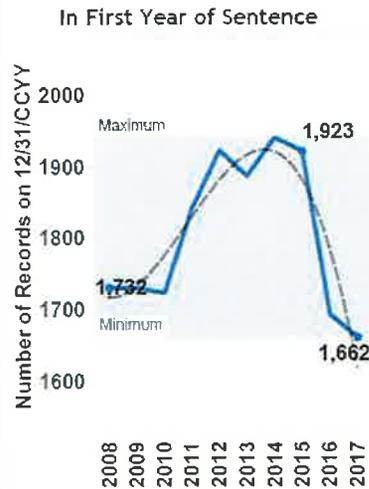


# Where are offenders coming from

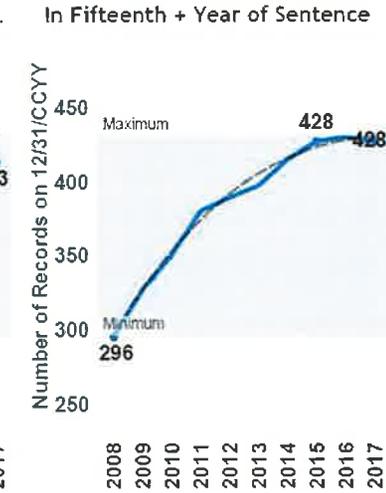
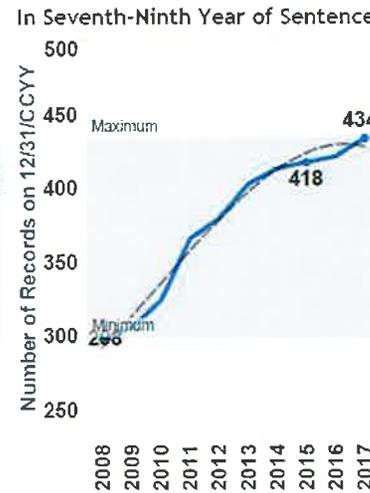
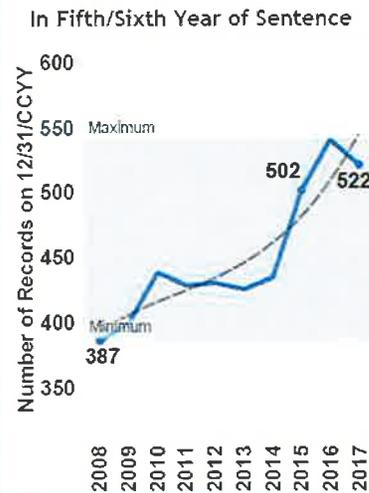


# NDCS Sentence Status (Points in Time)

- 2015 to 2017 Decreases in Shorter Sentence Status



- 2008 to 2015 Increases in Longer Sentence Status



# NDCS Sentence Status (Points in Time)

- 5% Growth in Long-term
- 5% Decrease in Short-term

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
1	1,732	1,732	1,725	1,843	1,924	1,888	1,942	1,923	1,694	1,662
	36.4%	36.5%	36.2%	37.7%	37.9%	36.9%	36.0%	34.1%	30.9%	31.6%
2-4	1,739	1,690	1,642	1,615	1,689	1,741	1,911	2,061	2,042	1,874
	36.5%	35.6%	34.5%	33.0%	33.3%	34.0%	35.4%	36.5%	37.2%	35.6%
5 Plus	1,288	1,326	1,393	1,435	1,465	1,493	1,540	1,656	1,749	1,727
	27.1%	27.9%	29.3%	29.3%	28.8%	29.1%	28.6%	29.4%	31.9%	32.8%
Total	4,759	4,748	4,760	4,893	5,078	5,122	5,393	5,640	5,485	5,263
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

NEBRASKA

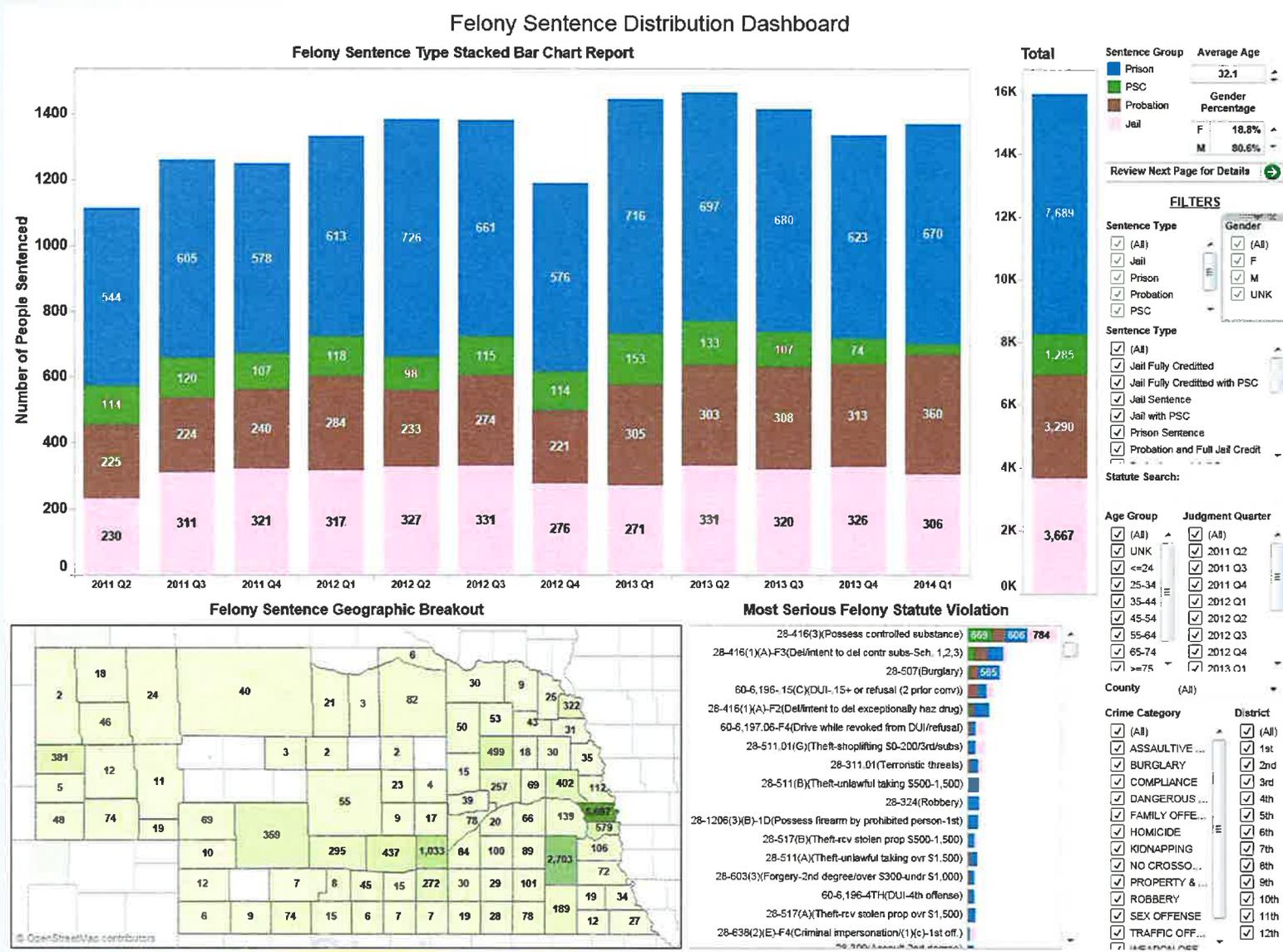
Good Life. Great Service.

# Future Efforts

- Setting Sentencing Baselines to be continuously monitored
  - Better identify trends earlier on
- Linking records across all systems
- Creation of de-identified dataset for internal/external analysis
- Longitudinal Analysis
  - Better understand criminal history, offender consumption, patterns of persistence and desistance
- New Program Analyst Position
- Modeling
- Dashboard
  - Educate

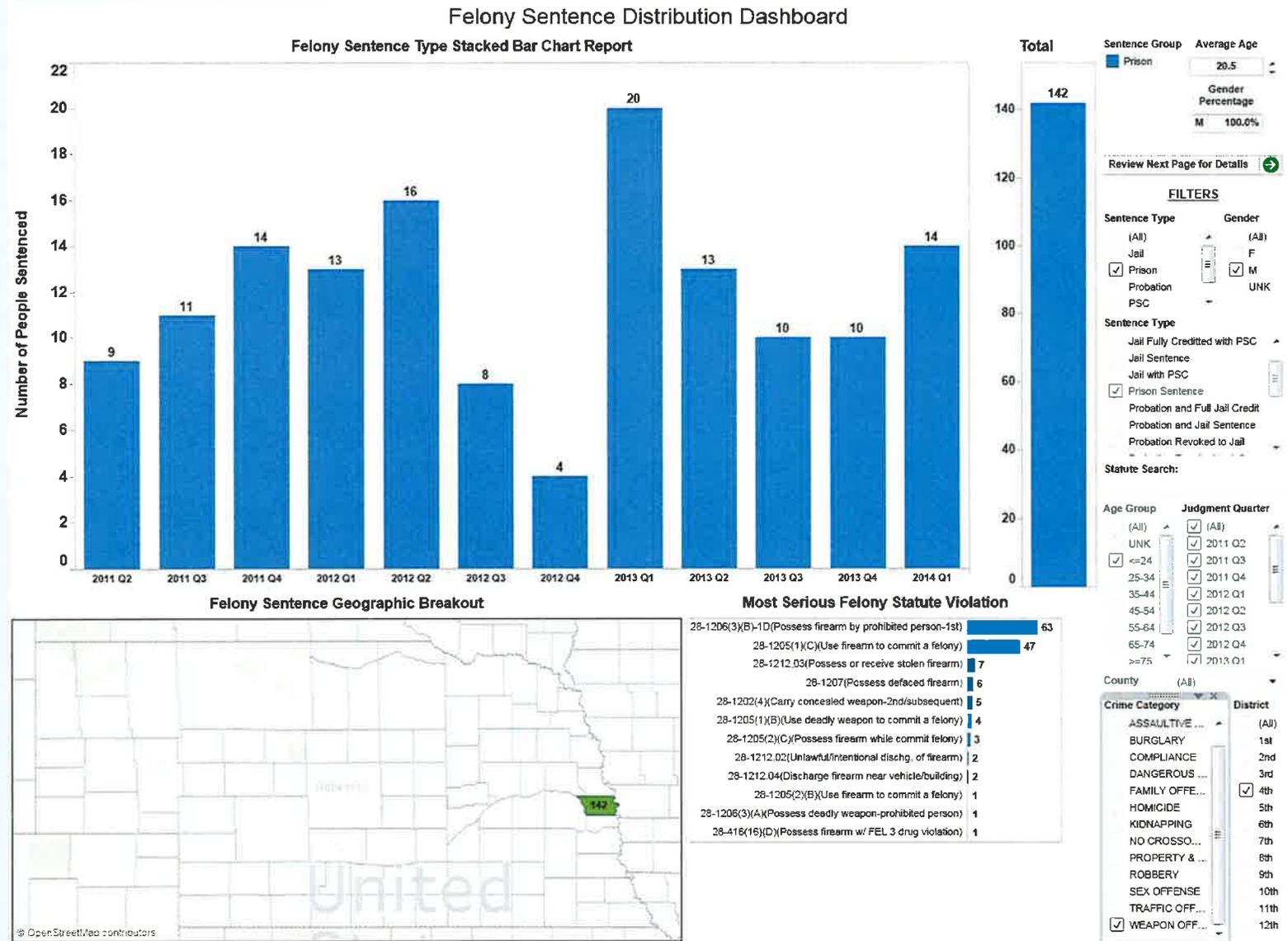
# Dashboard

- Needs updated
- Utilizes Most Serious Offense (NCIC Codes)
- Choose:
  - Gender
  - Age
  - District
  - Crime Category
  - Sentence Type



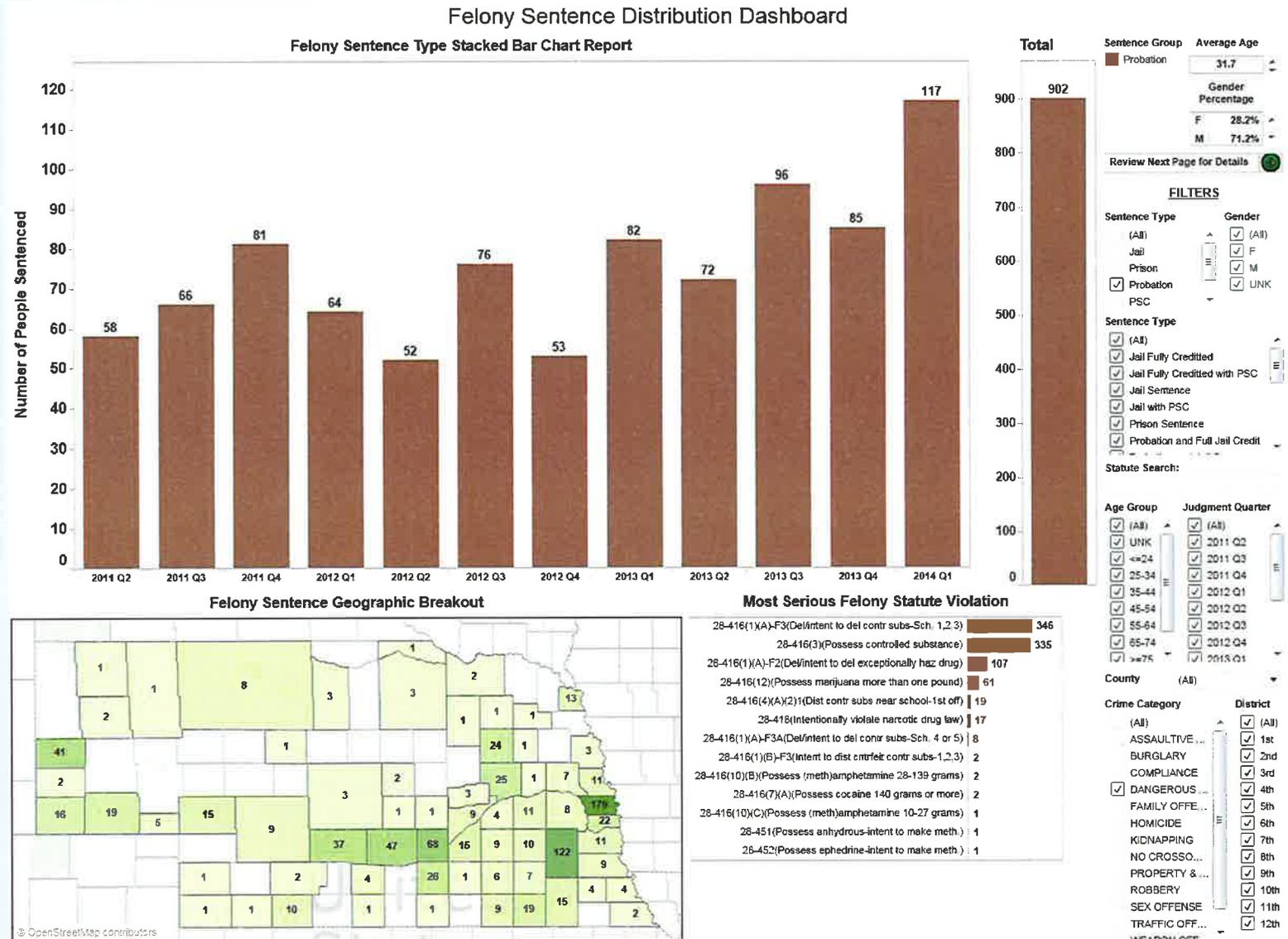
# Dashboard

- Drill down by Location
- Select Gender
- Examine over time
- See actual statutes
- Choose sentence type



# Dashboard

- Drill down by Crime Category
- Examine by County
- Choose sentence type
- See actual Statute



# Conclusion

The SAC is dedicated to use data in a unbiased, nonpartisan manner, to produce research and analysis to inform criminal and juvenile justice decision making partners.

Thank you very much to CSG and the data partners that assisted.

# Questions

**Mike Fargen**

*Chief* | INFORMATION SERVICES

*Director* | STATISCIAL ANALYSIS CENTER

**Nebraska Commission on Law Enforcement and Criminal Justice**

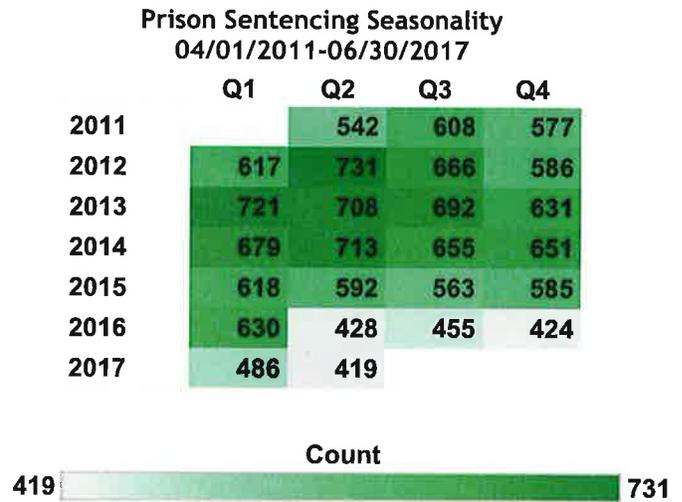
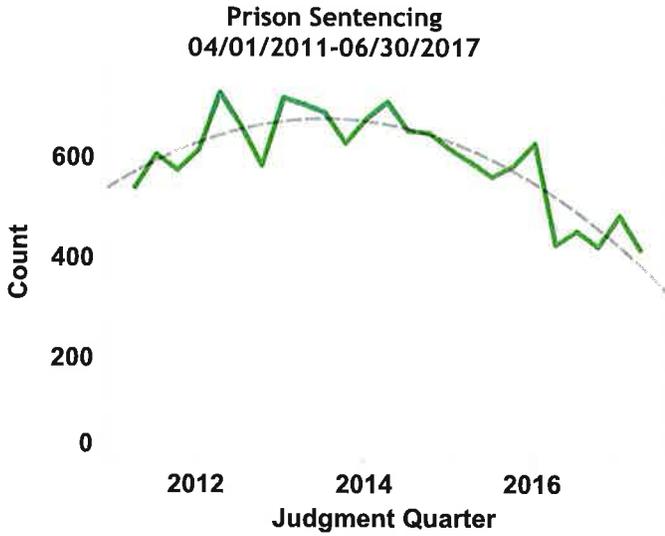
OFFICE 402-471-3992

[mike.fargen@nebraska.gov](mailto:mike.fargen@nebraska.gov)

NEBRASKA

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# Prison Sentencing Report



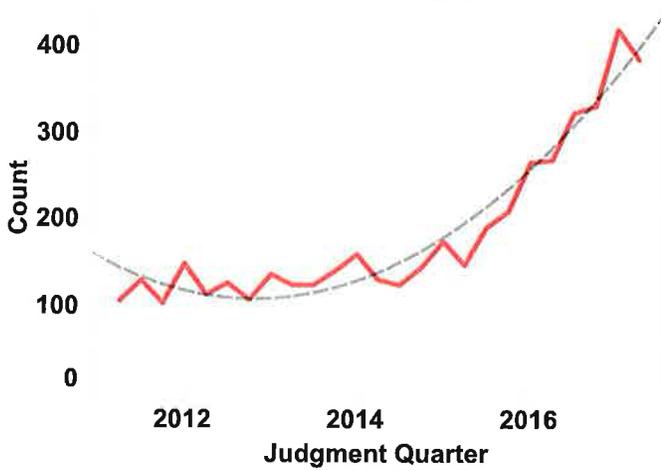
Offense Class by Quarter 04/01/2011-06/30/2017 (7Y)

	2011 Q2	2011 Q3	2011 Q4	2012 Q1	2012 Q2	2012 Q3	2012 Q4	2013 Q1	2013 Q2	2013 Q3	2013 Q4	2014 Q1	2014 Q2	2014 Q3	2014 Q4	2015 Q1	2015 Q2	2015 Q3	2015 Q4	2016 Q1	2016 Q2	2016 Q3	2016 Q4	2017 Q1	2017 Q2
F1				3	2	1	1			2			1			1	1	4	7	3				1	1
F1A		2	1		1		5	2	2	2		7	4	3	2	3	3	5	3	2	1	2	2	5	
F1B	7	5	4	5	11	9	3	9	5	2	5	6	10	10	8	6	10	5	7	7	9	9	5	9	7
F1C	10	17	10	10	13	9	5	9	9	8	10	8	6	1	4	5	3	11	9	6	5	8	7	7	7
F1D	15	15	18	21	13	15	16	24	23	18	19	24	26	34	22	21	27	13	12	25	22	34	26	23	36
F2	73	89	93	96	118	88	72	80	88	74	79	77	103	100	94	79	81	83	82	84	65	71	83	94	98
F2A																			4	27	46	86	73	130	108
F3	165	170	169	201	233	222	180	247	198	216	186	196	205	190	175	191	177	161	179	155	91	70	47	42	30
F3A	76	64	69	69	87	80	75	81	102	75	76	72	72	65	57	68	70	62	75	81	53	55	67	67	52
F4	190	238	205	204	246	232	218	253	268	288	250	277	276	246	268	233	210	211	202	225	129	114	111	103	77
M1	6	7	8	9	7	9	11	14	13	6	6	12	9	6	20	11	11	10	8	10	3	6	2	5	4
M2													1		1						1				
M3A										1															
M3W																		1							
Null		1				1		2													1		1		2
Count	542	608	577	617	731	666	586	721	708	692	631	679	713	655	651	618	592	563	585	630	428	455	424	486	419

Produced by the Nebraska Crime Commission Statistical Analysis Center (SAC). Figures include prison sentencing to the Department of Corrections, including instances of revocation. This analysis is produced using the Crime Commission's access to a JUSTICE dataset.

# Felony Probation Sentencing Report August 2017

Probation Sentencing  
04/01/2011-06/30/2017



Probation Sentencing Seasonality  
04/01/2011-06/30/2017

	Q1	Q2	Q3	Q4
2011		108	131	105
2012	150	115	128	109
2013	138	126	126	142
2014	161	132	126	146
2015	176	149	192	211
2016	267	270	324	332
2017	420	386		

Count

Offense Class by Quarter 04/01/2011-06/30/2017 (7Y)

	2011 Q2	2011 Q3	2011 Q4	2012 Q1	2012 Q2	2012 Q3	2012 Q4	2013 Q1	2013 Q2	2013 Q3	2013 Q4	2014 Q1	2014 Q2	2014 Q3	2014 Q4	2015 Q1	2015 Q2	2015 Q3	2015 Q4	2016 Q1	2016 Q2	2016 Q3	2016 Q4	2017 Q1	2017 Q2	
F1D																						1				
F2	7	9	6	9	10	2	5	6	10	9	6	6	6	7	11	14	6	11	11	16	8	21	22	33	26	
F2A																				2	19	31	26	40	51	
F3	22	28	19	42	26	35	24	31	29	31	36	35	26	30	21	40	36	49	36	53	34	29	18	16	16	
F3A	6	14	12	16	13	14	17	17	18	15	13	13	12	11	19	16	16	9	17	35	53	56	68	69	71	
F4	73	79	68	83	64	77	62	83	69	71	87	107	88	78	95	106	91	123	146	149	149	179	195	255	220	
Null		1			2		1	1																2		
F																				1	12	7	7	3	5	2
<b>Count</b>	<b>108</b>	<b>131</b>	<b>105</b>	<b>150</b>	<b>115</b>	<b>128</b>	<b>109</b>	<b>138</b>	<b>126</b>	<b>126</b>	<b>142</b>	<b>161</b>	<b>132</b>	<b>126</b>	<b>146</b>	<b>176</b>	<b>149</b>	<b>192</b>	<b>211</b>	<b>267</b>	<b>270</b>	<b>324</b>	<b>332</b>	<b>420</b>	<b>386</b>	

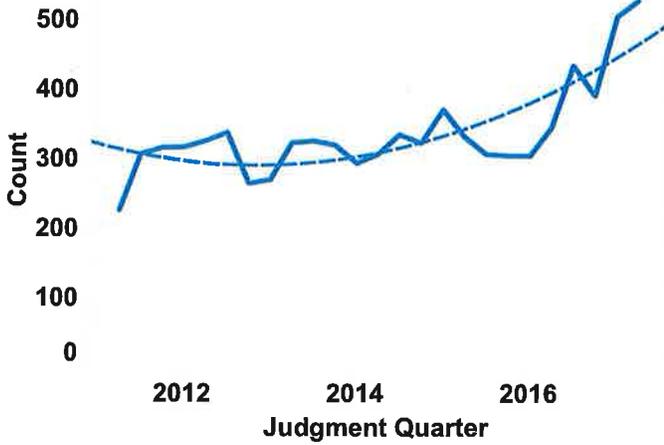
Count



Produced by the Nebraska Crime Commission Statistical Analysis Center (SAC). Figures include probation sentencing to the Office of Probation, including instances of probation with full jail credit. This analysis is produced using the Crime Commission's access to a JUSTICE dataset.

# Felony Jail Sentencing Report August 2017

Jail Sentencing  
04/01/2011-06/30/2017



Jail Sentencing Seasonality  
04/01/2011-06/30/2017

	Q1	Q2	Q3	Q4
2011		229	310	319
2012	320	329	341	268
2013	273	326	329	323
2014	297	310	338	326
2015	374	335	310	308
2016	308	349	438	395
2017	509	532		

Count

229 532

Offense Class by Quarter 04/01/2011-06/30/2017

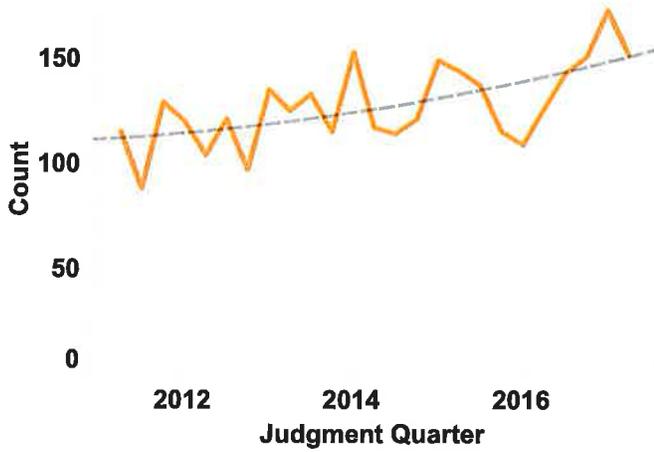
	2011 Q2	2011 Q3	2011 Q4	2012 Q1	2012 Q2	2012 Q3	2012 Q4	2013 Q1	2013 Q2	2013 Q3	2013 Q4	2014 Q1	2014 Q2	2014 Q3	2014 Q4	2015 Q1	2015 Q2	2015 Q3	2015 Q4	2016 Q1	2016 Q2	2016 Q3	2016 Q4	2017 Q1	2017 Q2
F1B								1				1											1		
F1C	1											1	1												1
F1D	1		2	2	1							1		1		1	1				6		3	5	1
F2	2	4	2	3	3	1		1	3	1			2		2	2	2		1			11	2	2	6
F2A																		1	4	10	14	24	18	35	25
F3	10	22	7	9	10	14	10	8	10	12	12	11	12	9	7	8	12	3	13	14	16	28	22	26	21
F3A	40	41	38	40	33	49	34	41	42	44	50	37	28	47	37	49	37	30	42	65	104	123	105	156	162
F3W																					1	1	1	1	4
F4	175	243	270	266	281	275	224	220	271	272	259	247	268	281	280	314	284	275	246	219	208	251	243	281	311
Null						2		2											2					1	2
F				1																				1	
Count	229	310	319	320	329	341	268	273	326	329	323	297	310	338	326	374	335	310	308	308	349	438	395	509	532

1 314

Produced by the Nebraska Crime Commission Statistical Analysis Center (SAC). Figures include jail sentencing to the county facilities. This analysis is produced using the Crime Commission's access to a JUSTICE dataset.

# Felony Jail & Probation Sentencing Report August 2017

Jail and Probation Joint Sentencing  
04/01/2011-06/30/2017



Jail and Probation Joint Sentencing  
04/01/2011-06/30/2017

	Q1	Q2	Q3	Q4
2011		116	89	130
2012	121	105	122	98
2013	136	126	134	116
2014	154	118	115	122
2015	150	145	138	116
2016	110	127	144	152
2017	174	153		



Offense Class by Quarter 04/01/2011-06/30/2017

	2011 Q2	2011 Q3	2011 Q4	2012 Q1	2012 Q2	2012 Q3	2012 Q4	2013 Q1	2013 Q2	2013 Q3	2013 Q4	2014 Q1	2014 Q2	2014 Q3	2014 Q4	2015 Q1	2015 Q2	2015 Q3	2015 Q4	2016 Q1	2016 Q2	2016 Q3	2016 Q4	2017 Q1	2017 Q2
F2	7	2	6	2	1	2		6	2	1	3	3	5	4	3	8	9	4	3	2	4	4	6	8	5
F2A																				1	5	7	16	16	11
F3	28	13	30	19	18	33	21	22	23	33	24	27	29	20	28	28	17	22	18	9	12	8	4	8	6
F3A	30	30	42	51	38	33	35	37	38	37	32	39	36	31	29	42	41	41	38	43	53	50	51	67	58
F3W																								1	
F4	51	44	52	49	48	54	42	71	63	63	57	85	48	60	62	72	78	71	57	55	53	75	74	74	73
Null																								1	
<b>Count</b>	<b>116</b>	<b>89</b>	<b>130</b>	<b>121</b>	<b>105</b>	<b>122</b>	<b>98</b>	<b>136</b>	<b>126</b>	<b>134</b>	<b>116</b>	<b>154</b>	<b>118</b>	<b>115</b>	<b>122</b>	<b>150</b>	<b>145</b>	<b>138</b>	<b>116</b>	<b>110</b>	<b>127</b>	<b>144</b>	<b>152</b>	<b>174</b>	<b>153</b>

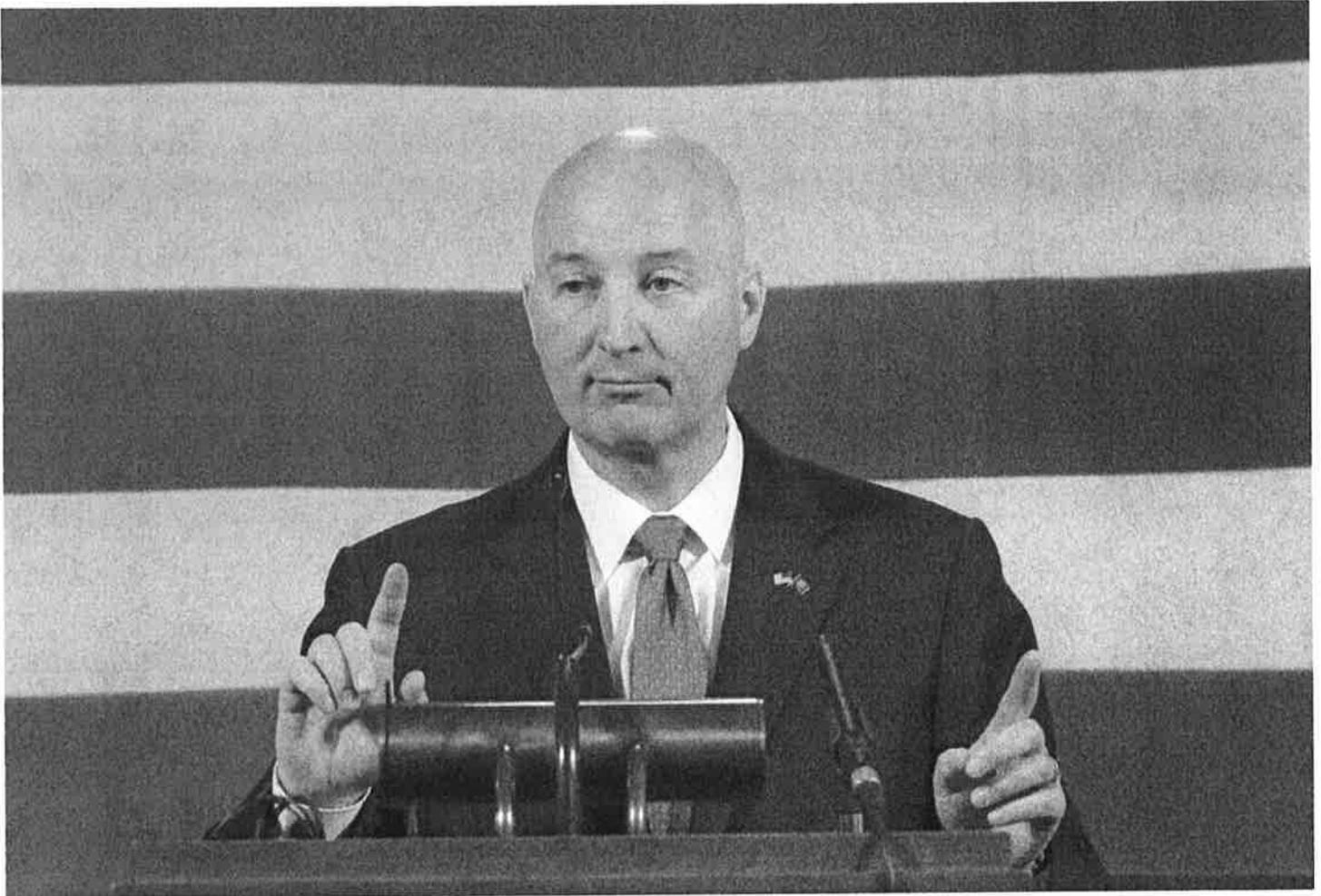


Produced by the Nebraska Crime Commission Statistical Analysis Center (SAC). Figures include sentencing to the county facilities, in conjunction with a probation sentence. This analysis is produced using the Crime Commission's access to a JUSTICE dataset.

[http://www.omaha.com/news/nebraska/nebraska-s-work-with-prison-reform-council-ends-ricketts-says/article\\_00211cf2-9f64-50ff-bcb2-17c8a8912430.html](http://www.omaha.com/news/nebraska/nebraska-s-work-with-prison-reform-council-ends-ricketts-says/article_00211cf2-9f64-50ff-bcb2-17c8a8912430.html)

## Nebraska's work with prison reform council ends; Ricketts says 'adding more cooks to the kitchen is not the solution'

By Paul Hammel / World-Herald Bureau Aug 23, 2017 Updated 1 hr ago



Gov. Pete Ricketts  
THE ASSOCIATED PRESS

LINCOLN — Nebraska's effort to reduce prison overcrowding via "justice reinvestment" has fallen far short of projections, and state officials said Tuesday that the policy needs tweaks and more studies.

However, Gov. Pete Ricketts rejected a suggestion from a probable challenger to him in the 2018 elections that the state continue meeting with a national prison reform council.

At Tuesday's final meeting between Nebraska officials and the Justice Center of the Council of State Governments, Ricketts took issue with suggestions by State Sen. Bob Krist of Omaha, who said more work needs to be done on prison changes, particularly in strategies to keep the mentally ill out of prison and jail. Krist also said it was essential that the 24-member justice reinvestment council not be disbanded after Tuesday's meeting, because it has driven the reforms.

Ricketts disagreed, saying he'll continue to meet regularly with the chief justice of the Nebraska Supreme Court and speaker of the Nebraska Legislature to keep on top of reform efforts. He added that some members of the council, namely a subcommittee of corrections, parole and probation officials, will continue to work on reforms.

And with that, the three-year collaboration between the state and the council came to an end.

"Adding more cooks to the kitchen is not the solution," the governor said. "We need to let the people who do the work do the work."

In 2014, the Justice Center of the Council of State Governments worked with state leaders to craft reforms aimed at creating alternatives to expensive prison stays.

The state's inmate population has fallen by only 142 since the reforms took effect two years ago, 779 short of projections.

Sara Friedman of the Justice Center said there were several reasons for that, including that felony arrests have risen much faster than projected and that some of the reforms took longer than expected to enact.

"More definitely needs to be done," Friedman said.

Douglas and Sarpy County officials said the reforms, which diverted low-level offenders to county jails rather than prison, have overwhelmed their jails.

Many are offenders with mental illnesses and substance abuse problems that, if properly treated or managed, might have stayed out of jail, they said.

As a result, the Douglas County Jail is the largest mental health facility in the state, said Douglas County Public Defender Tom Riley, "and we don't know what to do with them."

"All we do is talk about it, but there doesn't seem to be the political will to get something done," Riley said.

[paul.hammel@owh.com](mailto:paul.hammel@owh.com), 402-473-9584

MORE INFORMATION

## ONE HUNDRED FIFTH LEGISLATURE

## FIRST SESSION

**LEGISLATIVE RESOLUTION 114**

Introduced by Judiciary Committee: Ebke, 32, Chairperson; Baker, 30; Chambers, 11; Halloran, 33; Hansen, 26; Krist, 10; Morfeld, 46; Pansing Brooks, 28.

PURPOSE: The purpose of this interim study is to examine Nebraska's statutes relating to geriatric or compassionate release laws. Most states and the federal government have legal procedures for prison inmates to be released, paroled, or furloughed in connection with advanced age or a serious illness. Many jurisdictions have increasingly larger numbers of older people in prisons, due in part to the effects of strict sentencing laws and the longer prison terms imposed. States now face the situation in which many sentenced to long-term prison sentences will reach old age and die in prison. For pragmatic or humane reasons, officials in many jurisdictions will release elderly inmates or inmates who have a serious illness.

Elderly inmates with a serious or terminal illness are a unique "special needs" population and require intensive health and social accommodation in prisons. Inmates often exhibit an accelerated aging process due to preincarceration high-risk health histories, such as smoking and substance abuse, and the often health-stressful conditions of incarceration. Accommodating such elderly or ill inmates involves varied social policy and economic considerations for state officials.

The issues addressed by this interim study shall include, but not be limited to:

(1) A review of elderly or medically humane release provisions currently in statute;

(2) A review of the types of crimes for which such release provisions are applicable;

(3) A review of the process by which a release is sought by application to the Board of Parole as provided in section 83-1,110.02 and whether an amendment

to such provision is warranted;

(4) A review of the level of supervision or support of such inmates upon their release for medical or humane reasons;

(5) A review of requirements to consider regarding the potential impact the release may have on the victims or others impacted by the inmate;

(6) A review of the factors for imposing sentences and whether courts should be required to consider if an inmate will reach an elderly age while serving such sentence in prison; and

(7) A review and examination of any potential consequences of implementing any statutory changes to the mandatory minimum laws either with respect to the penalty provisions, or with respect to amending the procedural statutes relating to the filing of charges carrying mandatory minimum sentences or the imposition of mandatory minimum sentences.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

**2016 RESTRICTIVE HOUSING ANNUAL REPORT**

**NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES**

**September 15, 2016**

**Prepared by NDCS Policy and Research Division**

## **Introduction**

One of the keys to success in any reform process in a large organization is monitoring of implementation so that the question “Where are we now and what is the next step?” can be answered and necessary adjustments made. Successful implementation also takes time and data collection and reporting can initially be a struggle. Tracking progress helps to engage staff in the process and provides stakeholders the confidence that reform is moving forward. This report documents the use of restrictive housing within the Nebraska Department of Correctional Services (NDCS) for FY 2016. This is the first restrictive housing annual report from the Nebraska Department of Correctional Services (NDCS) pursuant to Nebraska Revised Statute §83-4,114, which states:

The director shall issue an annual report on or before September 15 to the Governor and the Clerk of the Legislature. The report to the Clerk of the Legislature shall be issued electronically. For all inmates who were held in restrictive housing during the prior year, the report shall contain the race, gender, age, and length of time each inmate has continuously been held in restrictive housing. The report shall also contain:

- (a) The number of inmates held in restrictive housing;
- (b) The reason or reasons each inmate was held in restrictive housing;
- (c) The number of inmates held in restrictive housing who have been diagnosed with a mental illness or behavioral disorder and the type of mental illness or behavioral disorder by inmate;
- (d) The number of inmates who were released from restrictive housing directly to parole or into the general public and the reason for such release;
- (e) The number of inmates who were placed in restrictive housing for his or her own safety and the underlying circumstances for each placement;
- (f) To the extent reasonably ascertainable, comparable statistics for the nation and each of the states that border Nebraska pertaining to subdivisions (4)(a) through (e) of this section; and
- (g) The mean and median length of time for all inmates held in restrictive housing.

In addition to the statistical information regarding the use of restrictive housing, this report will also provide a summary of the restrictive housing reforms currently underway, including the new Title 72, Chapter 1 regulations, which went into effect on July 1, 2016, and the elimination of disciplinary segregation as punishment for violation of department rules.

## **Background: Restrictive Housing within NDCS**

It is a reality that incarcerated individuals commit violent or disruptive acts in prison which require them to be separated from the general population for the safety of the inmate, others, and the security of the

institution. Restrictive housing serves a legitimate purpose when utilized appropriately for risk assessment and mitigation with the goal of returning individuals to general population as soon as it is safe to do so. Historically restrictive housing has been used as both punishment and a means to remove individuals from the general population due to threats to safety and security. There have been efforts in the last several years to reduce the time spent in restrictive housing, but it has not been enough. We have held people in restrictive housing as punishment in response to their behavior as opposed to utilizing it solely as a risk management tool.

The issue of restrictive housing reform has become a topic of national discussion in recent years. The focus of this discussion has been on the impacts of restrictive housing, available alternatives and the need to limit the duration and frequency of its use. The appointment of Scott Frakes as director of corrections in February 2015 coincided with an increased interest in restrictive housing reform in the Nebraska Legislature resulting in the adoption of LB 598 during the 2015 session. LB 598 required the Department to adopt restrictive housing rules and regulations and implement a 'least restrictive environment' standard for restrictive housing placements.

The reforms currently underway in NDCS fundamentally change the way restrictive housing operates and embody the concept that restrictive housing should be used to manage risk and not as punishment. Prior to the enactment of recent reforms, there were five categories of restrictive housing within NDCS:

1. Immediate Segregation (IS)- Short term placement as immediate response to disruptive act or security threat;
2. Disciplinary segregation (DS) - Punishment for violation of department rules, limited to 60 days per violation for Class I offense, 45 days for Class II offense; and 30 days for Class III offense. A maximum of 60 days of disciplinary segregation can be imposed for acts arising out of a single incident;
3. Administrative Confinement (AC) – Classification-based restrictive housing assignment of indefinite duration based on behavior and risk to safety and security of the institution;
4. Intensive Management (IM) – The most secure restrictive housing assignment. Similar to AC in that it was classification based and indefinite in duration . Intensive management was utilized sparingly during 2015 and was eliminated in the new restrictive housing rules and regulations; and
5. Protective custody (PC) - Restrictive housing assignment for protection of the inmate.

As required by LB 598, NDCS formally promulgated its restrictive housing rules and regulations, effective July 1, 2016, to establish the 'least restrictive environment' standard for all restrictive housing placements. The restrictive housing rules and regulations are located in Title 72, Chapter 1 of the Nebraska Administrative Code and can be found on the NDCS website. This standard requires that inmates in restrictive housing be housed in the least restrictive environment compatible with the safety of the inmate, others, and institutional security. These reforms also eliminated disciplinary segregation as punishment for violation of institutional rules and introduced the concept of mission specific housing.

An example of mission specific housing is the protective management unit at the Tecumseh State Correctional Institution which now houses over 340 protective custody inmates in a setting consistent with general population conditions. Very few protective custody inmates are being managed in restrictive housing, and only until bed space is available in the appropriate housing unit.

Pursuant to the new restrictive housing rules and regulations, after July 1, 2016 there are two categories of restrictive housing:

1. Immediate Segregation (IS)– A short-term restrictive housing assignment of not more than 30 days in response to behavior that creates a risk to the inmate, others, or the security of the institution. Immediate Segregation is used to maintain safety and security while investigation are completed, risk and needs assessments are conducted, and appropriate housing is identified.
2. Longer Term Restrictive Housing (LT)- A classification-based restrictive housing assignment of over 30 days. Longer-term Restrictive Housing is used as a behavior management intervention for inmates whose behavior continues to pose a risk to the safety of themselves or others and includes inmate participation in the development of a plan for transition back to general population or mission based housing.

The restrictive housing rules also establish a new process for reviewing and authorizing the continuation of restrictive housing placement. The Central Office multidisciplinary review team (MDRT) reviews and authorizes all placements into longer-term restrictive housing. The MDRT is a five member team led by the Deputy Director of Operations with representatives from behavioral health, classification, research and the intelligence unit. The MDRT also reviews each inmate on restrictive housing at least every 90 days to assess compliance with behavioral and programming plans and to determine if promotion to a less restrictive setting is compatible with the safety of the inmate, others and security of the facility. Wardens at each facility must approve placements to immediate segregation within 24 hours (8 hours for juveniles and pregnant inmates) and must also authorize retaining inmates in immediate segregation past 15 days. For a more detailed description of the current reform efforts, the NDCS Long Term Plan for Restrictive Housing Reform can be found [here](#).

### **Restrictive Housing Placements**

The race and sex of individuals placed in restrictive housing during FY 2016 are included in Table 1a. The same data for the entire population is listed in Table 1b. The age distribution of inmates placed in restrictive housing during FY 2016 can be found in Table 2. The total number of inmates in a restrictive housing classification as of July 1, 2016 was 304 and is found in Table 3. This represents 5.7% of the total population of 5,288 inmates. During FY2016, a total of 2,215 unique inmates spent time in restrictive housing, of which the largest percentage was white males between the ages of 22-36.

Table 1a - Restrictive Housing Demographics, FY 2015					Table 1b - NDCS Demographics August 2016				
Race	Male		Female		Race	Male		Female	
	Count	Percentage	Count	Percentage		Count	Percentage	Count	Percentage
White	956	43.16%	76	3.43%	White	2564	49.74%	272	5.28%
Black	627	28.31%	46	2.08%	Black	1305	25.32%	82	1.59%
Hispanic	339	15.30%	16	0.72%	Hispanic	595	11.54%	36	0.70%
Native American	105	4.74%	13	0.59%	Native American	189	3.67%	28	0.54%
Asian	13	0.59%	0	0.00%	Asian	38	0.74%	2	0.04%
Unknown	9	0.41%	0	0.00%	Unknown	19	0.37%	0	0.00%
Other	6	0.27%	8	0.36%	Other	11	0.21%	9	0.17%
Pacific Islander	1	0.05%	0	0.00%	Pacific Islander	5	0.10%	0	0.00%
<b>Grand Total</b>	<b>2056</b>	<b>92.82%</b>	<b>159</b>	<b>7.18%</b>	<b>Grand Total</b>	<b>4726</b>	<b>91.68%</b>	<b>429</b>	<b>8.32%</b>

*does not count*

Table 2 - Age of Restrictive Housing Inmates FY 2015				
Current Age	Male		Female	
	Count	Percentage	Count	Percentage
17 - 21	178	8.04%	12	0.54%
22 - 26	467	21.08%	39	1.76%
27 - 31	410	18.51%	28	1.26%
32 - 36	327	14.76%	37	1.67%
37 - 41	225	10.16%	16	0.72%
42 - 46	166	7.49%	8	0.36%
47 - 51	107	4.83%	11	0.50%
52 - 56	85	3.84%	3	0.14%
57 - 61	50	2.26%	4	0.18%
62+	41	1.85%	1	0.05%
<b>Grand Total</b>	<b>2056</b>	<b>92.82%</b>	<b>159</b>	<b>7.18%</b>

Table 3 RH Population July 1, 2016		
Facility	Type	# of Classifications
DEC	IS	2
<b>DEC Total</b>		<b>2</b>
LCC	AC	32
	DS	19
	IS	36
	PC	16
<b>LCC Total</b>		<b>103</b>
NCW	DS	2
	IS	2
<b>NCW Total</b>		<b>4</b>
NCY	DS	4
	IS	1
	PC	3
<b>NCY Total</b>		<b>8</b>
NSP	AC	21
	DS	25
	IS	22
	PC	16
<b>NSP Total</b>		<b>84</b>
OCC	IS	15
<b>OCC Total</b>		<b>15</b>
TSC	AC	67
	DS	47
	IS	22
	PC	15
<b>TSC Total</b>		<b>151</b>
<b>Total Classifications</b>		<b>367</b>
<b># of Unique Inmates</b>		<b>310</b>

**Reasons for placement**

Many inmates spend time in more than one restrictive housing status because under the old policy, individuals always started in immediate segregation and then, if there was a need for continued placement, transitioned to disciplinary segregation, administrative confinement or protective custody. Additionally, individuals could receive disciplinary segregation while in restrictive housing resulting in

some inmates having multiple restrictive housing statuses simultaneously (i.e. an inmate may have been on administrative confinement and disciplinary segregation simultaneously)

Table 4 provides a breakdown of the total number of restrictive housing placements during FY 2015 by restrictive housing category. There were a total of 6,264 assignments to restrictive housing during FY 2015 distributed across 2,215 unique individuals with immediate segregation and disciplinary segregation being the two largest categories. Some individuals had multiple stays in restrictive housing as indicated by the number of IS placements and many were in multiple restrictive housing categories simultaneously.

<b>Seg Conf CD</b>	<b>Male</b>	<b>Female</b>	<b>Grand Total</b>
AC	592	11	<b>603</b>
DS	1600	96	<b>1696</b>
IM	13		<b>13</b>
IS	2872	270	<b>3142</b>
PC	802	8	<b>810</b>
<b>Grand Total</b>	<b>5879</b>	<b>385</b>	<b>6264</b>

The department’s data system does not allow for the aggregation of the specific reasons why individuals were placed into each category of restrictive housing for FY 2015. Changing this practice is part of the current reform effort. The new rules and regulations require all restrictive housing placements to be based one of the six categories:

1. A serious act of violent behavior (i.e., assaults or attempted assaults) directed at correctional staff and/or at other inmates;
2. A recent escape or attempted escape from secure custody;
3. Threats or actions of violence that are likely to destabilize the institutional environment to such a degree that the order and security of the facility is significantly threatened;
4. Active membership in a “security threat group” (prison gang), accompanied by a finding, based on specific and reliable information, that the inmate either has engaged in dangerous or threatening behavior directed by the security threat group, or directs the dangerous or threatening behavior of others;
5. The incitement or threats to incite group disturbances in a correctional facility; and
6. Inmates whose presence in the general population would create a significant risk of physical harm to staff, themselves and/or other inmates.

Table 5 provides a summary of the number of immediate segregation placements since July 1, 2016 and the rationale for each placement from the six reasons outlined above as an example of what our current system is tracking. The data indicates that a significant number of individuals who were placed in immediate segregation since July 1 have been transitioned back to general population within 30 days and never reach the next step of review by the MDRT. Table 6 provides the number of individuals the Central Office MDRT has reviewed for placement onto or continuation on Longer-Term Restrictive Housing between July 1 and September 1, 2016. Of the 254 individuals reviewed by the MDRT, 90 were

removed from restrictive housing and returned to general population or another housing unit. 154 were placed in longer-term restrictive housing and 10 were continued on longer-term restrictive housing.

Facility	Serious Act of Violence	Escape/Attempted	Threatened Violence	Active STG	Group Disturbances	Significant Risk of Physical Harm	Totals
DEC	30	0	9	3	6	13	61
LCC	35	0	4	0	0	22	61
NCCW	22	0	5	0	0	2	29
NCYF	2	0	2	1	0	0	5
NSP	54	1	10	0	24	54	143
OCC	3	0	0	5	0	11	19
TSCI	64	0	17	1	13	127	222
Totals	210	1	47	10	43	229	540
Percent	38.9%	0.1%	8.7%	1.9%	8.0%	42.4%	100%

\*This table represents the # of RH placements and not individuals.

Additional automation of the restrictive housing data entry and tracking are scheduled to be implemented once the department's sentence calculation project is completed this fall. Future editions of this report and NDCS restrictive housing information moving forward will include documentation of the reason the individual was placed into restrictive housing. A sample of the new tracking format is provided below.

Decision	Number	Percentage
Place	154	60.63%
Remove	90	35.43%
Continue	10	3.94%
<b>Totals</b>	<b>254</b>	<b>100%</b>

Name	ID #	Facility	Status IS, LTRH	Date Assigned	SMI Yes or No	Reason for Placement	180th Day	Days in RH
John Doe	XXXXX	TSCI	LTRH	9/4/2015	NO	Assault on another Inmate with a weapon causing serious bodily injury. LTRH Review scheduled: 08/02/2016	3/1/16	363

### **Mental illness and Behavioral Health**

One of the primary areas of concern in the restrictive housing discussion nationally is how to address the needs of mentally ill individuals whose behavior presents a risk to themselves, others and/or the safety and security of the institution. Untreated seriously mentally ill individuals that present a high risk need secure residential mental health treatment rather than restrictive housing. To accomplish this goal, NDCS has expanded the secure mental health unit at the Lincoln Correctional Center and transferred seriously mentally ill individuals who had been held in restrictive housing in other facilities to this new unit. While the secure mental health unit currently meets the statutory definition of restrictive housing in terms of out of cell time, mental health staff are assigned to this unit to provide a higher level of care for these high risk inmates. The department's goal is to continue to develop additional programming options for the secure mental health unit with the objective of operating this unit in the least restrictive

manner possible. Tables 7 and 8 provide a breakdown of the behavioral health diagnoses of individuals assigned to restrictive housing during FY 2015. Table 7 includes all individuals diagnosed with a serious mental illness, while Table 8 provides a similar breakdown of all behavioral health diagnoses, including substance abuse.

<b>Diagnosis</b>	<b># of inmates</b>
Bipolar Disorder NOS	198
Bipolar I Disorder - Most Recent Episode Depressed	18
Bipolar I Disorder - Most Recent Episode Hypomanic	15
Bipolar I Disorder - Most Recent Episode Manic	19
Bipolar I Disorder - Most Recent Episode Mixed	39
Bipolar I Disorder - Most Recent Episode Unspecified	36
Bipolar II Disorder	61
Delusional Disorder	14
Major Depressive Disorder	101
Major Depressive Disorder, Recurrent	159
Major Depressive Disorder, Single Episode	21
Major Depressive Disorder, Single Episode, Severe w/ Psychotic Features	3
Obsessive-Compulsive Disorder	51
Obsessive-Compulsive Personality Disorder	3
Schizoaffective Disorder	89
Schizophrenia, Catatonic Type	1
Schizophrenia, Disorganized Type	4
Schizophrenia, Paranoid Type	44
Schizophrenia, Residual Type	1
Schizophrenia, Undifferentiated Type	77
<b>Grand Total</b>	<b>954</b>

<b>Diagnosis</b>	<b># of Inmates</b>	<b>Diagnosis</b>	<b># of Inmates</b>
Acculturation Problem	3	Hallucinogen-Related Disorder NOS	3
Acute Stress Disorder	9	Histrionic Personality Disorder	4
Adjustment Disorder Unspecified	286	Impulse-Control Disorder NOS	54
Adjustment Disorder w/ Anxiety	66	Inhalant Abuse	7
Adjustment Disorder w/ Depressed Mood	74	Inhalant Dependence	2
Adjustment Disorder w/ Disturbance of Conduct	3	Insomnia	35
Adjustment Disorder w/ Mixed Anxiety and Depressed Mood	266	Intermittent Explosive Disorder	35
Adjustment Disorder w/ Mixed Disturbance of Emotions & Conduct	52	Learning Disorder NOS	1
Adult Antisocial Behavior	27	Major Depressive Disorder	101
Agoraphobia without History of Panic Disorder	3	Major Depressive Disorder, Recurrent	159
Alcohol Abuse	415	Major Depressive Disorder, Single Episode	21
Alcohol Dependence	586	Major Depressive Disorder, Single Episode, Severe w/ Psychotic Features	3
Alcohol Intoxication Delirium	1	Malingering	10

Diagnosis	# of Inmates	Diagnosis	# of Inmates
Alcohol Withdrawal	1	Mental Disorder NOS	7
Alcohol-Induced Anxiety Disorder	1	Mental Retardation, Severity Unspecified	4
Alcohol-Related Disorder NOS	33	Mild Mental Retardation	9
Amnestic Disorder NOS	3	Moderate Mental Retardation	3
Amphetamine Abuse		Mood Disorder Due to General Medical Condition	4
Amphetamine Dependence	196	Mood Disorder NOS	538
Amphetamine-Induced Anxiety Disorder	570	Narcissistic Personality Disorder	23
Amphetamine-Induced Mood Disorder	2	Nicotine Dependence	5
Amphetamine-Induced Psychotic Disorder w/ Delusions	2	No Diagnosis on Axis II	68
Amphetamine-Induced Psychotic Disorder w/ Hallucinations	2	No Diagnosis or Condition on Axis I	52
Amphetamine-Related Disorder NOS	36	Obsessive-Compulsive Disorder	51
Antisocial Personality Disorder	361	Obsessive-Compulsive Personality Disorder	3
Anxiety Disorder Due to General Medical Condition	1	Opioid Abuse	68
Anxiety Disorder NOS	475	Opioid Dependence	99
Anxiolytic Abuse	5	Opioid-Induced Mood Disorder	1
Anxiolytic Dependence	3	Opioid-Related Disorder NOS	3
Anxiolytic-Related Disorder NOS	1	Oppositional Defiant Disorder	11
Asperger's Disorder	1	Other Conduct Disorder	2
Attention-Deficit/Hyperactivity Disorder NOS	77	Other Substance Abuse	28
Attention-Deficit/Hyperactivity Disorder, Combined Type	50	Other Substance Dependence	36
Attention-Deficit/Hyperactivity Disorder, Predominantly Hyperactive-Impulsive Type	10	Other Substance-Induced Anxiety Disorder	3
Attention-Deficit/Hyperactivity Disorder, Predominantly Inattentive Type	15	Other Substance-Induced Mood Disorder	16
Autistic Disorder		Other Substance-Induced Psychotic Disorder w/ Delusions	3
Bereavement	2	Other Substance-Induced Psychotic Disorder w/ Hallucinations	1
Bipolar Disorder NOS	56	Other Substance-Related Disorder NOS	7
Bipolar I Disorder - Most Recent Episode Depressed	198	Pain Disorder Associated w/ Both Psychological Factors & General Medical Condition	1
Bipolar I Disorder - Most Recent Episode Hypomanic	18	Panic Disorder with Agoraphobia	17
Bipolar I Disorder - Most Recent Episode Manic	15	Panic Disorder <b>without Agoraphobia</b>	51
Bipolar I Disorder - Most Recent Episode Mixed	19	Paranoid Personality Disorder	13
Bipolar I Disorder - Most Recent Episode Unspecified	39	Paraphilia NOS	14
Bipolar II Disorder	36	Partner Relational Problem	7
Borderline Intellectual Functioning	61	Pathological Gambling	6
Borderline Personality Disorder	35	Pedophilia	24
Brief Psychotic Disorder	70	Personality Change Due to Medical Condition	1
Bulimia Nervosa	3	Personality Disorder NOS	89
Cannabis Abuse	2	Phase of Life Problem	1
Cannabis Dependence	498	Phencyclidine Abuse	7
Cannabis Intoxication	801	Phencyclidine Dependence	2
Cannabis-Induced Psychotic Disorder w/ Delusions	1	Phencyclidine-Induced Psychotic Disorder w/ Hallucinations	1
Cannabis-Related Disorder NOS	2	Physical Abuse of Adult	99
Catatonic Disorder Due to - General Medical Condition	44	Physical Abuse of Child	13
Cocaine Abuse	1	Polysubstance Dependence	288
	120		

Diagnosis	# of Inmates	Diagnosis	# of Inmates
Cocaine Dependence	168	Posttraumatic Stress Disorder	313
Cocaine-Related Disorder NOS	7	Psychotic Disorder Due to - w/ Delusions	6
Cognitive Disorder NOS	4	Psychotic Disorder Due to - w/ Hallucinations	5
Conduct Disorder, Adolescent-Onset Type	12	Psychotic Disorder NOS	176
Conduct Disorder, Childhood-Onset Type	4	Relational Problem NOS	58
Cyclothymic Disorder	11	Religious or Spiritual Problem	1
Delusional Disorder	14	Schizoaffective Disorder	89
Dependent Personality Disorder	7	Schizoid Personality Disorder	9
Depersonalization Disorder	2	Schizophrenia, Catatonic Type	1
Depressive Disorder NOS	253	Schizophrenia, Disorganized Type	4
Diagnosis Deferred	377	Schizophrenia, Paranoid Type	44
Diagnosis Left Blank	32	Schizophrenia, Residual Type	1
Disruptive Behavior Disorder NOS	4	Schizophrenia, Undifferentiated Type	77
Dissociative Disorder NOS	2	Schizophreniform Disorder	5
Dyssomnia NOS	6	Schizotypal Personality Disorder	13
Dysthymic Disorder	29	Sexual Abuse of Adult	17
Eating Disorder NOS	2	Sexual Abuse of Child	186
Exhibitionism	2	Sexual Sadism	1
Factitious Disorder NOS		Sleep Disorder Due to General Medical Condition, Insomnia Type	1
	2		
Factitious Disorder w/ Predominantly Psychological Signs & Symptoms	1	Social Phobia	31
Fetishism	1	Somatization Disorder	4
Gender Identity Disorder NOS	4	Somatoform Disorder NOS	1
Gender Identity Disorder in Adolescents or Adults	4	Specific Phobia	2
Generalized Anxiety Disorder	324	Tourette's Disorder	1
Hallucinogen Abuse	50	Trichotillomania	1
Hallucinogen Dependence	30	Unspecified Mental Disorder (nonpsychotic)	2
Hallucinogen Persisting Perception Disorder	1	Voyeurism	1
		<b>Grand Total</b>	<b>10176</b>

Over 90 percent of individuals (2034 inmates) who spent time in restrictive housing during FY 2016 had at least one behavioral health diagnosis, while 28%, or 698 individuals, held in restrictive housing during FY 2016 were diagnosed as having a serious mental illness. These numbers are significant and the goal is to reduce the assignment of individuals with mental illness to restrictive housing whenever possible and to limit the time spent in restrictive housing as much as possible by providing mental health treatment to individuals in restrictive housing and developing behavior and programming plans which will allow individuals to demonstrate that they can safely be housed in a less restrictive environment and transition to the mental health unit or general population.

### Length of Stay

How long individuals spend in restrictive housing, referred to as the length of stay, is one of the primary areas of discussion in the area of restrictive housing reform. There is no one rule or a set number of days that can address every situation where an inmate's behavior poses an ongoing risk to the safety of themselves or others. This standard allows for an individualized examination of the risk presented in

each case while keeping the focus on the goal of transitioning people out of restrictive housing to the least restrictive environment as quickly as possible.

As noted above, prior to the recent reforms, our restrictive housing data system allowed for individuals to be entered on multiple statuses simultaneously, which significantly complicates calculating the average length of stay for each type of restrictive housing status as the time periods often overlap. Table 9 provides the average and median length of stay for individuals in restrictive housing for FY 2016 and also provides the average for individuals who spent less than 1 year in restrictive housing. Similar information for immediate and longer-term segregation will be reported in future reports.

	All RH Placements	RH Stays less than 1 year
Average	144.24 days	45.14 days
Median	327 day	157 days

The data system is able to track the amount of time a particular individual has spent in restrictive housing and this information has been provided to the Inspector General for Corrections on a monthly basis since July 1, 2016. Table 10 contains the current list of 57 inmates who have spent over 180 days in restrictive housing as of September 15, 2016. Information that could identify inmates or staff has been removed from this table for confidentiality purposes.

Facility	Status IS, LTRH	Date Assigned	SMI Y or N	Reason for Placement	180th Day	Days in RH
LCC	LTRH	1/4/2003	YES	SMHU Treatment, Severely Mentally Ill, Staff Assaultive Behavior Initial LTRH Placement Date of 7/28/16, Review 10/28/16)	7/2/2003	5003
LCC	LTRH	10/12/2006	YES	SMHU Treatment, Assaults to Staff, Frequent Self-Harming Behavior. LTRH Placement Date of 8/18/16, LTRH Review Date of 11/16/16.	4/9/2007	3626
LCC	LTRH	2/15/2007	YES	SMHU Treatment, Staff assault at NSP, Currently Refusing to participate in treatment and SMHU Programming, Multiple attempts to sexually and physically assault staff.	8/13/2007	3500
LCC	LTRH	2/27/2007	YES	SMHU Treatment, History of assaults on staff	8/25/2007	3488
LCC	LTRH	1/17/2009	YES	SMHU Treatment, Assaulted Staff at LCC (OTC since 3/15/16)	7/15/2009	2798
LCC	IS	1/21/2009	YES	SMHU Treatment, Threats to harm Staff, pending transfer to MHU (D-Unit). IS date of 8/22/16.	7/19/2009	2794
LCC	LTRH	7/21/2010	YES	SMHU Treatment, Initial LTRH Placement date of 7/14/16, review date of 10/12/16. Currently non-compliant with treatment and is on an IMO for being non-medication compliant.	1/16/2011	2248
LCC	LTRH	8/5/2012	YES	SMHU Treatment, repeated assaults on other inmates, inappropriate sexual behavior towards female staff. LTRH Placement Date of 8/18/16, LTRH Review Date of 11/16/16.	1/31/2013	1502
LCC	LTRH	4/24/2013	YES	SMHU Treatment, Threats to staff, disruptive behavior, self-harming behavior.	10/20/2013	1240
LCC	LTRH	7/17/2014	YES	SMHU Treatment, Refused to lock down, threatening staff, refused to be restrained, Assaultive Behavior to Staff and Inmates, Attempted Escape on 05/27/2016. LTRH placement date of 8/11/16, with a review date of 11/9/16.	1/12/2015	791
LCC	LTRH	10/10/2014	YES	SMHU Treatment, Initial LTRH Placement date of 7/14/16, review date of 10/12/16. Physical Assaults on 3 staff.	4/7/2015	706

Facility	Status IS, LTRH	Date Assigned	SMI Y or N	Reason for Placement	180th Day	Days in RH
LCC	LTRH	10/21/2014	YES	SMHU Treatment, Pending a Regional Center review, Aggressive behavior towards staff.	4/18/2015	695
LCC	LTRH	11/21/2014	YES	Staff Assaultive, removed from SMHU Treatment.	5/19/2015	664
LCC	LTRH	2/12/2015	NO	Initial LTRH placement on 7/14/16. LTRH review on 10/12/16. Long history of threats to staff, barricading in cell/shower requiring extraction teams, non-compliance with staff directives.	8/10/2015	581
NSP	IS	3/10/2015	No	Safekeep awaiting sentencing	9/5/2015	555
LCC	LTRH	3/25/2015	YES	SMHU Treatment, Frequent Unprovoked Assaults on other inmates and Staff.	9/20/2015	540
TSCI	LTRH	5/12/2015	NO	Participated in large inmate disturbance/Refused housing/continuous threats to kill staff if moved to GP	11/7/2015	492
LCC	IS	5/29/2015	YES	SMHU Treatment, Assaulted Staff at NSP. Pending transition to D-Unit at this time.	11/24/2015	475
LCC	IS	6/5/2015	YES	SMHU Treatment, very paranoid about other inmates and staff wanting to harm him as part of his illness. IS Pending GP Bed Space on A1.	12/1/2015	468
LCC	LTRH	6/5/2015	YES	SMHU Treatment, transferred from NSP to participate in Treatment on 7/14/16.	12/1/2015	468
TSCI	LTRH	6/17/2015	NO	Continuous threats toward staff-Has agreed to participate in behavior plan. Removed from PC on 6/23/15 for placement on AC (LTRH) LTRH Review scheduled: 08/09/2016	12/13/2015	456
TSCI	LTRH	7/6/2015	NO	Multiple incidents of Staff assault at LCC. Transferred to NSP on 07/12/2016 from TSCI. Multiple staff assault at NSP. Transferred back to TSCI on 08/03/2016	1/1/2016	437
TSCI	LTRH	8/24/2015	NO	Staff assault (NSP)/STG activity/Threats toward 5-16-2016-"Stab that Pig"/VRP @TSCI LTRH Review scheduled: 07/12/2016	2/19/2016	388
TSCI	LTRH	9/4/2015	NO	Assault on another Inmate with a weapon causing serious bodily injury LTRH Review scheduled: 08/02/2016	3/1/2016	377
TSCI	LTRH	9/22/2015	NO	Staff assault (TSCI) Serious Assault- Ofc. Livezey	3/19/2016	359
LCC	LTRH	10/27/2015	YES	SMHU Treatment for Severe Mental Illness. LTRH Placement Date of 8/18/16, LTRH Review Date of 10/17/16.	4/23/2016	324
TSCI	LTRH	11/21/2015	NO	Staff assault (TSCI) Cpl. Briggs. UOF on 6/15/2016 refusal to lockdown	5/18/2016	299
LCC	LTRH	12/3/2015	YES	SMHU Treatment, Multiple Sexual/Physical Assaults on Staff, Sexual Activities. LTRH placement date of 8/11/16, with a review date of 11/9/16.	5/30/2016	287
TSCI	LTRH	12/18/2015	NO	Pending IMO hearing-Disruptive behavior in R.H. LTRH Review Scheduled: 07/26/2016	6/14/2016	272
LCC	LTRH	12/25/2015	YES	SMHU Treatment, Assaulted Staff at DEC. Initial LTRH placement on 7/28/16, Review date of 10/28/16. Currently OTC since 9/8/16.	6/21/2016	265
NSP	LTRH	1/12/2016	No	Serious assault on staff at TSCI	7/9/2016	247
TSCI	LTRH	1/12/2016	NO	Staff Assault (NSP); STG issues LTRH Review Scheduled: 07/19/2016	7/9/2016	247
TSCI	LTRH	1/20/2016	NO	Assault of Inmate in SMU West GP (3 on 1) LTRH Review Scheduled: 07/12/2016 (LTRH)	7/17/2016	239
TSCI	LTRH	1/20/2016	NO	Assault of Inmate in SMU West GP (3 on 1)	7/17/2016	239
LCC	LTRH	1/28/2016	YES	SMHU Treatment, Is on an Involuntary Medication Order (IMO) due to extremely disruptive behavior. LTRH placement date of 8/11/16, with a review date of 11/9/16.	7/25/2016	231
NCYF	LTRH	2/10/2016	NO		8/7/2016	218
TSCI	LTRH	2/18/2016	NO	Assault of Inmate at TSCI (2 on 1) (Recommend LTRH) LTRH Review Scheduled: 08/16/2016	8/15/2016	210
TSCI	IS	2/18/2016	NO	Assault of Inmate at TSCI (2 on 1) (Recommend LTRH) LTRH Review Scheduled: 08/16/2016	8/15/2016	210
NSP	LTRH	2/19/2016	No	Altercation and attempted assault on staff LTRH TRD 12/7/2016	8/16/2016	209
TSCI	LTRH	2/21/2016	NO	STG Activity (LTRH)	8/18/2016	207
TSCI	LTRH	2/21/2016	NO	STG Activity (LTRH)	8/18/2016	207
TSCI	LTRH	2/21/2016	NO	STG Activity (Possible out-of-state Transfer)	8/18/2016	207

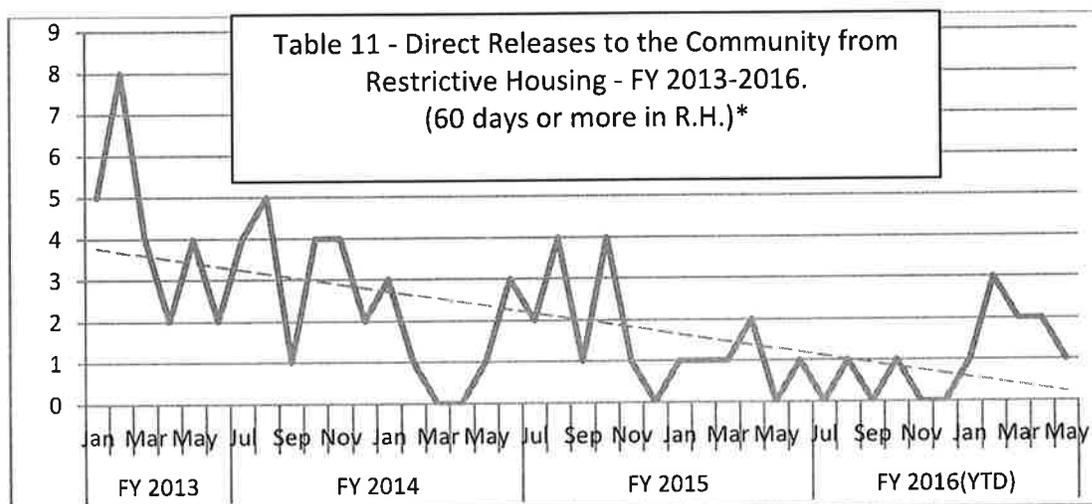
Facility	Status IS, LTRH	Date Assigned	SMI Y or N	Reason for Placement	180th Day	Days in RH
TSCI	LTRH	2/22/2016	NO	Assault of Inmate in SMU West GP (3 on 1) (LTRH) LTRH Review Scheduled: 08/16/2016	8/19/2016	206
TSCI	LTRH	2/27/2016	NO	Continuously refuses to move to HU1. Approved for HU1 placement on 3/25/16. Placed on PC 06/30/2016 Refused to Move to HU 1 on 08/02/2016	8/24/2016	201
TSCI	LTRH	2/28/2016	NO	Unable to live in any NDCS GP	8/25/2016	200
TSCI	LTRH	2/29/2016	NO	Assault of Inmate in SMU West GP (4 on 1) (LTRH) LTRH Review Scheduled: 08/02/2016	8/26/2016	199
TSCI	LTRH	3/4/2016	NO	Possession of a homemade weapon 6" Metal rod sharpend to a fine point (LTRH) LTRH Review Scheduled: 08/16/2016	8/30/2016	195
TSCI	LTRH	3/4/2016	NO	Possession of a homemade weapon 6" Metal rod sharpend to a fine point (LTRH)	8/30/2016	195
TSCI	LTRH	3/7/2016	NO	Staff assault in SMU West (4 on 1) (LTRH) LTRH Review Scheduled: 08/16/2016	9/2/2016	192
TSCI	LTRH	3/7/2016	NO	Staff assault in SMU West (4 on 1) (LTRH)	9/2/2016	192
TSCI	LTRH	3/7/2016	NO	Staff assault in SMU West (4 on 1) (LTRH)	9/2/2016	192
TSCI	LTRH	3/7/2016	YES	Staff assault in SMU West (4 on 1) (LTRH)	9/2/2016	192
TSCI	IS	3/9/2016	NO	Staff Assault at NSP. Kicked staff in the groin and stomach while being escorted. MDRT:Remove from LTRH-Pending appropriate Bed space in GP.	9/4/2016	190
LCC	LTRH	3/9/2016	NO	Physical Assault on Staff at NSP causing significant injury. LTRH Placement Date of 8/18/16, LTRH Review Date of 10/13/16.	9/4/2016	190
NSP	LTRH	3/14/2016	No	Assault on inmate LTRH review 11/30/2016	9/9/2016	185
NSP	LTRH	3/14/2016	No	Assault on inmate LTRH review 11/30/2016	9/9/2016	185
NSP	LTRH	3/14/2016	No	Assault on inmate LTRH review 11/30/2016	9/9/2016	185

### Releases directly to the community

Another central objective of the department's ongoing restrictive housing reform is to reduce the number of individuals who discharge directly from restrictive housing to the community. Consistent with the department's mission to keep people safe, the new restrictive housing rules require individuals who are in restrictive housing 120 days prior to release to be reviewed by the Central Office MDRT. The Deputy Director of Operations works with the facility to develop a release plan to transition the person out of restrictive housing and into general population, mission specific housing or treatment/behavioral focused housing prior to release. Additional processes are being established to ensure that individuals who have spent over 60 days in restrictive housing in the 150 days prior to their release have specialized reentry plans developed to avoid mandatory discharge from restrictive housing. NDCS is also collaborating with the parole board to reduce mandatory discharges and provide opportunities for inmates who have spent significant time in restrictive housing to transition into the community on parole prior to release.

Table 11 provides a summary of the number of direct releases to the community from restrictive housing over the past three fiscal years. This table is limited to individuals who have spent 60 days or more in restrictive housing prior to release in order to highlight the focus on reducing the number of Longer Term Restrictive Housing inmates releasing directly to the community. The number of individuals released directly to the community after spending any amount of time in restrictive housing in FY 2016 was 49, down from 58 in FY 2015 and 78 in FY 2014. Inmates spend short periods of time in restrictive housing prior to release occur for a variety of reasons. Some inmates nearing release will request

placement in protective custody or engage in conduct to get placed in restrictive housing in order to avoid issues with other inmates, as a result of the stress of pending release, or because they think that there are no consequences due to their impending release. These placements are projected to decrease significantly moving forward under the new restrictive housing rules as alternatives to restrictive housing are put in place for these types of issues.



\*This metric has changed since July 1, 2016 and the Department is now tracking all direct releases to the community regardless of length of stay.

**Protective Custody**

In the fall of 2015, NDCS reorganized protective custody using the mission specific housing philosophy to establish protective management units at TSCI and LCC. These units operate in a manner which provides programming on the unit, group recreation opportunities and other privileges which allow them to operate more like a general population unit. Over 90 percent of inmates who were previously in protective custody in other institutions have been moved into these protective management units. As NDCS continues to expand its mission specific housing options, such as faith based or veterans-only housing, the need for protective custody should decrease as these mission specific units can serve a secondary function as safe havens for vulnerable populations.

As of June 30, 2016, there were a total of 349 inmates housed in protective management units at TSCI and LCC. As noted above in Table 4, there were 810 total assignments to protective custody during FY 2016. The Department’s data system does not currently have the capability to aggregate the specific reasons why individuals were placed in protective custody. The vast majority of placements into protective custody are at the request of the inmate based upon fears for their own safety. NDCS is tracking placements into protective custody under the new rules and regulations and will be able to improve documentation in this area in future reports.

**Comparable Statistics from other states**

The most comprehensive comparison of state restrictive housing policies and practices over the last several years has been “Time in Cell: The Limon ASCA 2014 National Survey on Administrative Segregation in Prison”, conducted by the Arthur Limon Public Interest Program at the Yale Law School in cooperation with the Association of State Correctional Administrators. Published in August 2015, this report collected information from 46 jurisdictions on a number of topics and represents the most current comparison data available for the nation as a whole. The entire report can be downloaded from the Yale [website](#).

Table 12 presents a national comparison of the average length of stay for individuals in administrative segregation during 2014. Table 13 presents the number of inmates held in administrative segregation in 2011 and 2014 and as a percentage of the total inmate population for participating jurisdictions. The average demographics of administrative segregation inmates among 22 participating states in comparison to the total correctional population is found in Table 14.

**Table 12 – Average Length of Stay in Administrative Segregation Fall 2014**

	Less Than 90 Days		90 to 180 Days		6 Months to 1 Year		1 to 3 Years		More Than 3 Years		TOTAL
Alaska	189	83%	17	7%	12	5%	9	4%	1	0%	228
Arkansas	583	53%	199	18%	203	18%	81	7%	43	4%	1,109
Colorado	55	27%	46	22%	101	49%	5	2%	0	0%	207
Connecticut	71	30%	60	26%	47	20%	29	12%	26	11%	233
D.C.	159	94%	6	4%	3	2%	1	1%	0	0%	169
Iowa	128	90%	7	5%	5	4%	2	1%	0	0%	142
Kansas	156	28%	135	25%	118	21%	114	21%	26	5%	549
Kentucky	717	90%	61	8%	12	2%	4	1%	0	0%	794
Massachusetts	287	82%	48	14%	15	4%	2	1%	0	0%	352
Missouri	869	63%	261	19%	183	13%	58	4%	6	0%	1,377
Montana	45	94%	1	2%	2	4%	0	0%	0	0%	48
Nebraska	31	18%	53	30%	55	31%	29	17%	7	4%	175
New York	0	0%	0	0%	1	4%	3	13%	19	83%	23
North Carolina	76	89%	2	2%	4	5%	2	2%	1	1%	85
Oregon	56	23%	83	33%	79	32%	24	10%	6	2%	248
Pennsylvania	637	60%	159	15%	38	4%	56	5%	170	16%	1,050
Rhode Island	4	16%	7	28%	1	4%	11	44%	2	8%	25
South Carolina	304	63%	52	11%	52	11%	30	6%	45	9%	483
South Dakota	14	13%	11	11%	38	37%	25	24%	16	15%	104
Texas	353	5%	356	5%	755	12%	2,174	33%	2,853	44%	6,491
Virginia	119	35%	55	16%	71	21%	46	14%	47	14%	338
Washington	106	36%	37	12%	66	22%	56	19%	33	11%	298
Wisconsin	22	23%	12	13%	21	22%	35	36%	6	6%	96
Wyoming	2	4%	26	58%	4	9%	10	22%	3	7%	45

Source: Time in Cell: the Limon ASCA 2014 National Survey on Administrative Segregation in Prison, pg 29

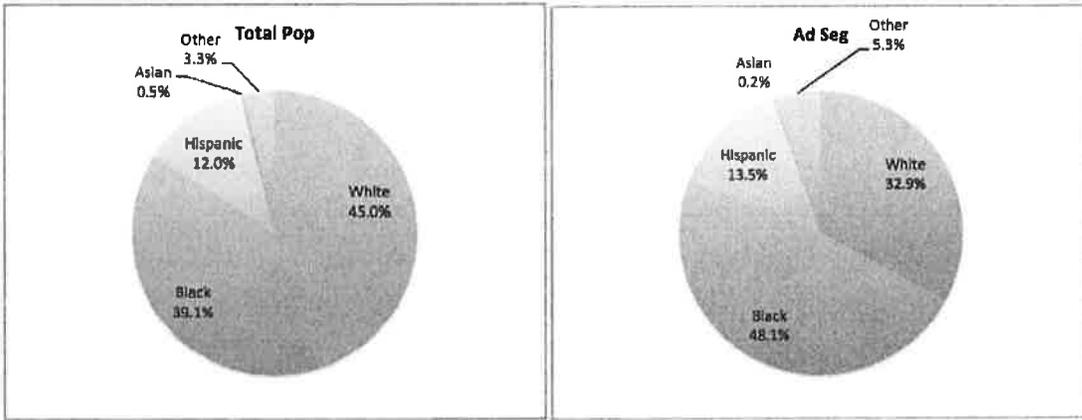
The benefit of the Yale study is that it was able to request states provide data in a comparable format and received participation from most jurisdictions in the US. The Yale group conducted an updated survey for 2015, but the data has not been published and will be included in the next edition of this report. NDCS has surveyed surrounding states to gather information on the use of restrictive housing, but each state defines restrictive housing slightly differently and excludes different populations (ie PC or a forensic mental health unit) from being considered as restrictive housing, making comparisons difficult.

**Table 13 – Percentage of Custodial Population (Both Sexes) in Administrative Segregation Compared to Percentage of Custodial Population in Any Form of Restrictive Housing**

	<b>Total</b>	<b>Ad Seg</b>		<b>All Restrictive Housing</b>	
Alabama	24862	729	2.9%	1253	5.0%
B.O.P.	171868	1656	1.0%	11387	6.6%
Colorado	20944	207	1.0%	662	3.2%
Connecticut	16564	74	0.4%	592	3.6%
Delaware	5977	330	5.5%	847	14.2%
D.C.	2067	62	3.0%	174	8.4%
Florida	100869	2416	2.4%	8936	8.9%
Georgia	52959	1625	3.1%	1658	3.1%
Indiana	28318	692	2.4%	1789	6.3%
Iowa	8172	142	1.7%	542	6.6%
Kansas	9529	557	5.9%	664	7.0%
Kentucky	12103	794	6.6%	794	6.6%
Massachusetts	10475	313	3.0%	518	4.9%
Michigan	44925	1122	2.5%	2004	4.5%
Missouri	31945	1277	4.0%	3929	12.3%
Montana	2519	48	1.9%	52	2.1%
Nebraska	5162	173	3.4%	685	13.3%
New Hampshire	2714	17	0.6%	270	9.9%
New Jersey	18968	1092	5.8%	1687	8.9%
New York	53613	23	0.0%	4198	7.8%
North Carolina	37695	85	0.2%	3052	8.1%
North Dakota	1632	23	1.4%	63	3.9%
Ohio	50554	1553	3.1%	2064	4.1%
Oklahoma	27488	1183	4.3%	1317	4.8%
Oregon	14591	239	1.6%	1025	7.0%
Pennsylvania	49051	1060	2.2%	2339	4.8%
South Carolina	21575	483	2.2%	1735	8.0%
South Dakota	3627	105	2.9%	221	6.1%
Tennessee	21030	445	2.1%	2626	12.5%
Texas	150569	6301	4.2%	6301	4.2%
Utah	6995	95	1.4%	832	11.9%
Washington	16554	296	1.8%	806	4.9%
Wisconsin	21996	96	0.4%	1363	6.2%
Wyoming	2074	50	2.4%	110	5.3%

Source: Time in Cell: the Limon ASCA 2014 National Survey on Administrative Segregation in Prison, pg15

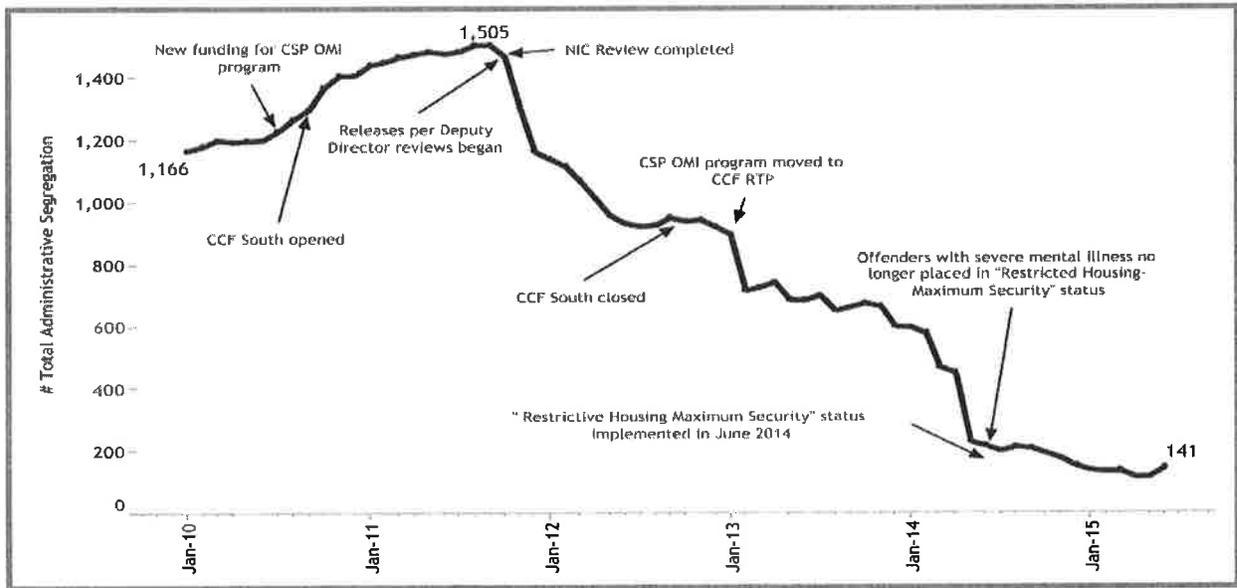
**Table 14 – Average Demographic Composition of Total Male Population as Compared with Male Administrative Segregation Population (Fall 2014) (n = 22)<sup>135</sup>**



Source: Time in Cell: the Limon ASCA 2014 National Survey on Administrative Segregation in Prison, pg 24

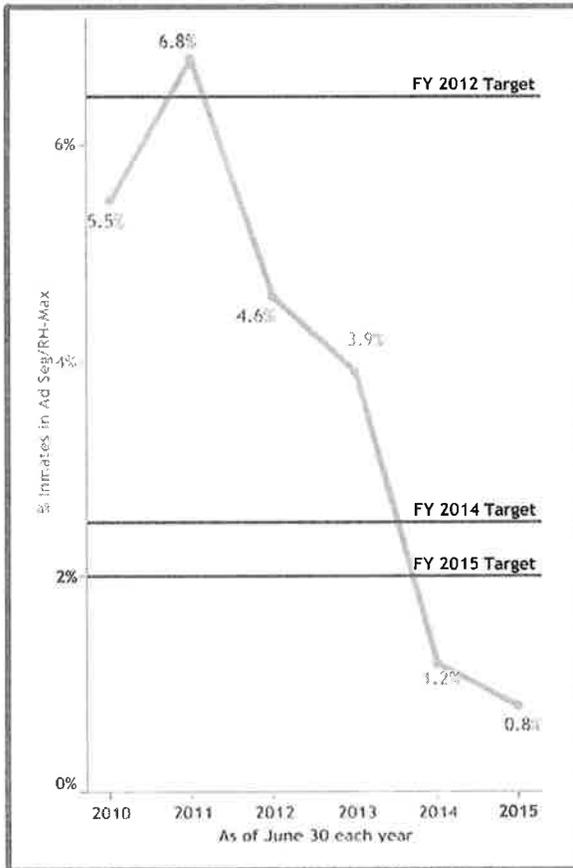
Colorado has been implementing restrictive housing reform for several years and produces an annual restrictive housing report. Figure 1 highlights the five year reform process that Colorado has been engaged in and the progress they have made in reducing the administrative segregation population over time. Figures 2 and 3 document the success Colorado has had in reducing the percentage of inmates held in administrative segregation and reducing discharges from restrictive housing to the community.

**Figure 1. Administrative segregation population trends with timeline of key reform initiatives**

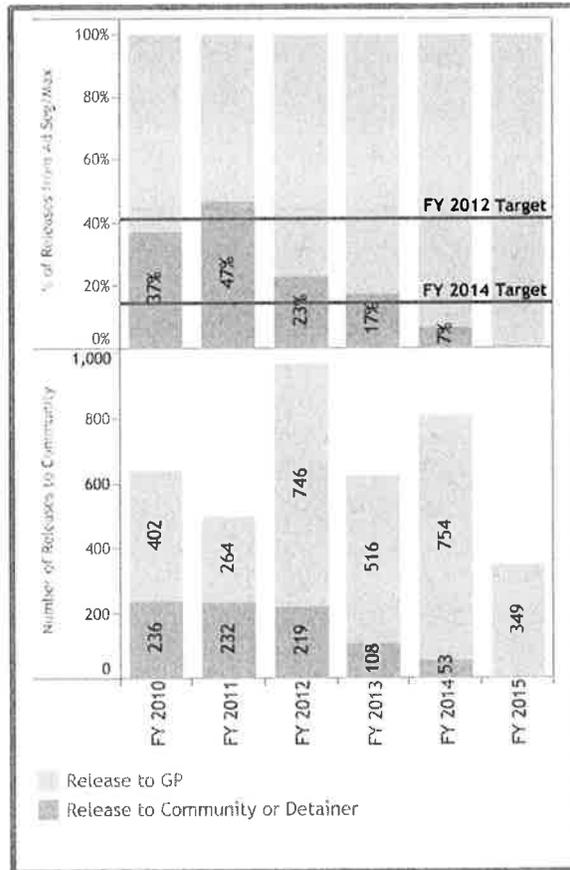


Source: SB 11-176 Annual Report: Administrative Segregation for Colorado Inmates (Jan 1, 2016)

**Figure 2: Percentage of total prison population in administrative segregation / Restrictive Housing - Maximum Security**



**Figure 3: Releases directly to community from administrative segregation / Restrictive Housing - Maximum Security**



Source: SB 11-176 Annual Report: Administrative Segregation for Colorado Inmates (Jan 1, 2016)

### Conclusion

Nebraska is still in the beginning stages of the restrictive housing reform process. While NDCS has implemented significant changes to restrictive housing policies and procedures effective July 1, we are continuing to gather data and learning from experiences in other jurisdictions. A group of staff visited New Mexico earlier this year to learn about their approach to restrictive housing reform and security threat group populations. The recommendations from the VERA Safe Alternatives to Segregation Initiative, which is providing technical assistance to NDCS in its restrictive housing reform effort, are also expected this fall. There remains significant work to be done and NDCS is confident the goal of reducing the use of restrictive housing to those situations where it necessary for the safety and security of the inmate, others, and the institution can and will be achieved.

Managing the risk of our most challenging inmates is not simple or easy, and reforms take time to implement as the Colorado experience has demonstrated. When approached thoughtfully and implemented with fidelity while communicating with both inmates and staff, significant progress can be made. NDCS will continue to collect and analyze data on the implementation of restrictive housing reforms and share it with policymakers as it becomes available. We look forward to continuing to work with the Legislature, Governor and other stakeholders to reform the use of restrictive housing within NDCS and make our communities, prisons, inmates, staff and all Nebraskans safer.

12/3/2014

Nebraska Legislature Mail - Restrictive Housing Request

Attachment 5

RH

-107-



Dan Jenkins <djenkins@leg.ne.gov>

**Restrictive Housing Request**

Beaty, Jeffry <jeffry.beaty@nebraska.gov>  
To: Dan Jenkins <djenkins@leg.ne.gov>

Mon, Nov 24, 2014 at 1:45 PM

Dan,

Below is the Restrictive Housing count for 11/17/14:

# of Unique inmates on RH 11/17/14	629
Administrative Confinement	153
Immediate Segregation	118
Disciplinary Segregation	91
Protective Custody	310
Death Row	11
Intensive Management	<u>4</u>
Total # of seg status	687

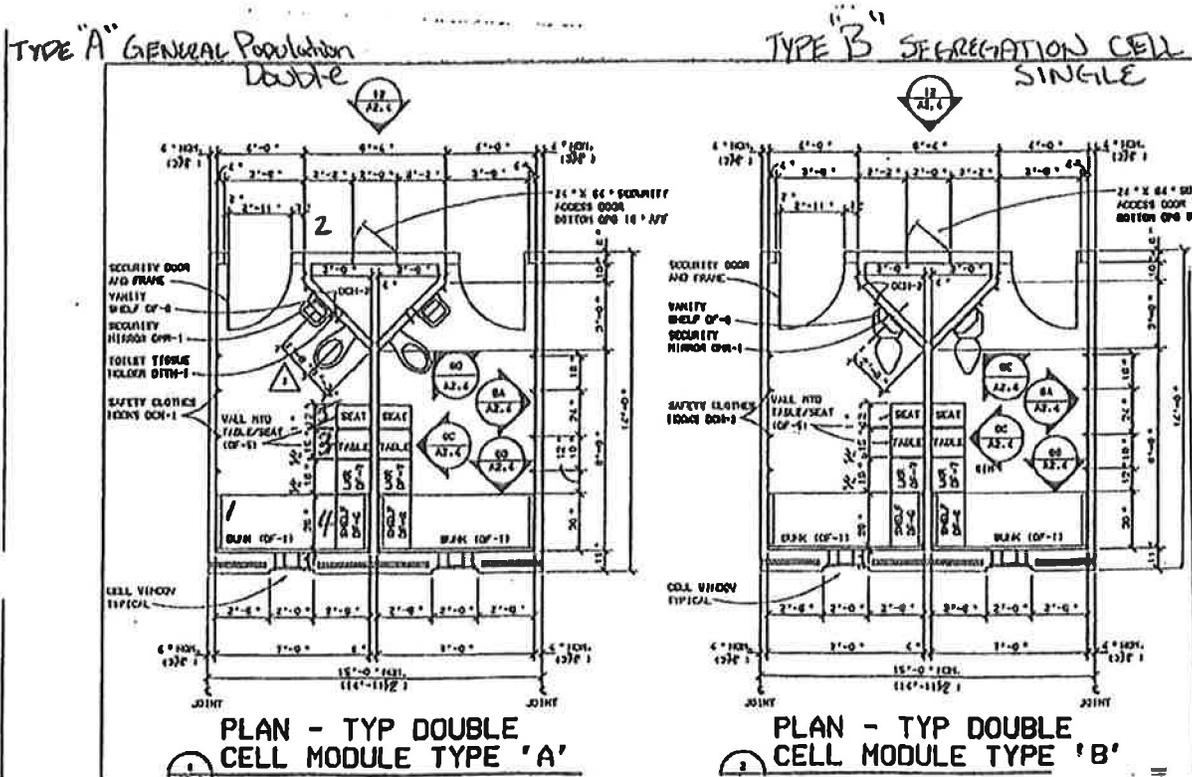
Also, it appears the info I originally provided from 9/9/14 is missing 11 people that were on Intensive management (the total number of inmates on rh is accurate, but the status column was missing IM and only adds up to 726).

One last question, can you forward me a list of the individuals who have been invited to testify tomorrow at the LR 424 hearing?

Thanks,

## UNENCUMBERED SPACE CALCULATIONS

Description	Dimensions	Square Footage
Cell	7' x 12'7"	88.081
Pipe Chase	(3' x 3')/2	-4.500
Bunk	30" x 7'	-17.500
Seat/Table/Locker	45" x 18"	-5.625
Toilet/Sink	1' x 3'	-3.000
<b>TOTAL UNENCUMBERED SQ FT</b>		<b>57.456</b>



**SECTION C: INMATE HOUSING**

**4132 - REV. JAN. 2012. Cells/rooms used for housing inmates shall provide at a minimum, 25 square feet of unencumbered space per occupant. *Unencumbered space* is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space is no less than seven feet. In determining unencumbered space in the cell or room, the total square footage is obtained and the square footage of fixtures and equipment is subtracted. All fixtures and equipment must be in operational position. ~~and must provide the following minimums per person:~~**

- ~~1) Bed~~
- ~~2) Plumbing fixtures (if inside the cell/room)~~
- ~~3) Desk~~
- ~~4) Locker~~
- ~~5) Chair or stool~~

COMMENT: None

**4133 – REVISED JAN. 2012. Written policy, procedure and practice provide that single occupancy cells/rooms, ~~measuring a total of 80 square feet, of which 35 square feet is unencumbered space,~~ shall be available, when indicated, for the following:**

- 1) inmates with severe medical disabilities
- 2) inmates suffering from serious mental illness
- 3) sexual predators
- 4) inmates likely to be exploited or victimized by others
- 5) inmates who have other special needs for single housing
- ~~6) maximum custody inmates~~

When confinement exceeds 10 hours a day, there is at least 80 sq. feet of total floor space, of which 35 sq. feet is unencumbered.

COMMENT: The standard permits housing inmates of all security levels in multiple cells/rooms unless there is a need for single cells/rooms for an inmate in one of the groups listed. The caveat "when indicated" refers to determinations made by the classification committee, medical diagnosis, or other professional conclusions.

**4134 - Each inmate confined to a cell/room for 10 or more hours daily is provided a sleeping area with the following: a sleeping surface and mattress at least 12 inches off of the floor; a writing surface and proximate area to sit; storage for personal items and a place to suspend clothes and personal belongings.**

Each inmate confined to a cell/room for less than 10 hours daily is provided a sleeping area with the following: a sleeping surface and mattress at least 12 inches off of the floor; storage for personal items; and adequate storage space for clothes and personal belongings.

COMMENT: The words "writing surface" refer to a fixed or free standing surface under which a person can sit.

DOUG KOEBERNICK  
Inspector General



STATE OF NEBRASKA  
OFFICE OF INSPECTOR GENERAL OF CORRECTIONS  
State Capitol, P.O. Box 94604  
Lincoln, Nebraska 68509-4604  
402-471-4215

May 1, 2017

Scott Frakes  
Nebraska Department of Correctional Services  
P.O. Box 94661  
Lincoln, NE 68509-4661

Dear Director Frakes:

Last fall, the Vera Institute of Justice submitted a report to the Nebraska Department of Correctional Services on restrictive housing. In their report they made the following recommendation on page 69:

*“Examine the impact of double-celling on the safety and well-being of individuals in double-celled restrictive housing units. Particularly if the assessment reveals negative impacts (such as more assaults or hospital admissions), develop a plan to reform double-celling practices. If double-celling is used, always ensure that individuals are carefully matched to minimize the risk of dangerous situations.”*

Could you please provide me with any information on efforts by the Department to address this recommendation? I do realize there are numerous recommendations in the report and this might not have been addressed yet. In addition, I would like to request any information about how inmates are screened to be cellmates in a restrictive housing setting and would specifically request any information on how inmates Berry and Schroeder were determined to be cellmates in April 2017.

Thank you for your assistance.

Sincerely,

Doug Koebernick



Doug Koebnick



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## Berry and Vera Letter

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Frakes, Scott <[redacted]>  
To: "Koebnick" <[redacted]>

Fri, May 5, 2017 at 5:05 PM

Doug,

AR 210.01 (pages 14/15) addresses the assignment of two inmates to one cell within Restrictive Housing. The Vera recommendation was considered. The collective memory did not identify a pattern of assaults or other serious negative behavior between people housed together in Restrictive Housing. The attached assessment form is part of AR 210.01, and was used prior to housing Berry and Schroeder together. As per AR 210.01, the two Unit Managers conferred and agreed that the two inmates were safe to house together.



Director Frakes,

[Quoted text hidden]

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107K

DOUG KOEBERNICK  
Inspector General



STATE OF NEBRASKA  
OFFICE OF INSPECTOR GENERAL OF CORRECTIONS  
State Capitol, P.O. Box 94604  
Lincoln, Nebraska 68509-4604  
402-471-4215

## Memorandum

To: Long-term Restrictive Housing Work Group  
From: Doug Koebernick, Inspector General for Corrections  
Re: LTRH Concerns  
Date: May 22, 2017

As the Long-term Restrictive Housing Work Group moves forward, I wanted to share with each of you some potential concerns that I have identified regarding this subject matter during the last few months.

First, since the March 2<sup>nd</sup> disturbance at TSCI, inmates have been housed in Unit 2B in a way that mirrors a restrictive housing setting. However, they are not considered as being in a restrictive housing setting by the Department. Nebraska State Statute 83-170 defines restrictive housing as the following:

*“Restrictive housing means conditions of confinement that provide limited contact with other offenders, strictly controlled movement while out of cell, and out-of-cell time of less than twenty-four hours per week.”*

For over two months, the men living in Unit 2B have had limited contact with others, have had their movements strictly controlled, and have very limited out-of-cell time. Yet, they are not counted as being in a restrictive housing placement.

Second, there appears to have been a rise in placing inmates in a restrictive housing setting because they are considered “Active Security Threat Group (STG).” According to NDCS Administrative Regulation 210.01, someone can be placed in immediate segregation for the following reason:

*“Active membership in a “security threat group” (prison gang), accompanied by a finding, based on specific and reliable information, that the inmate either has engaged in dangerous or threatening behavior directed by the security threat group or directs the dangerous or threatening behavior of others.”*

I have heard from numerous men in immediate segregation or longer term restrictive housing who have been told that they are in those placements because they are “active STG” yet they have not been told what the definition of “active STG” is and what it is that they have actually done. In the

meantime, they stay in these placements and some of them are double bunked with another person for all but five to ten hours each week.

Third, right now there are a significant number of inmates in these placements who are indeed double bunked. On May 4<sup>th</sup>, the spokesperson for the Department said the following about double bunking in such settings, "It is a more-efficient use of space and it can lessen the feeling of isolation when another person is in the cell." I have researched double bunking and talked with experts in this field. I have yet to find any study that says that double bunking "can lessen the feeling of isolation." In fact a couple of long-time experts in this area (who happen to be a psychologist and a psychiatrist) have weighed in on this subject. Here are some of their thoughts:

*Dr. Craig Haney is a Professor of Psychology at UC-Santa Cruz. He has been looking at segregation for over 25 years. He testified before a Senate Committee in 2012 and said the following:*

*"[Doublecelled prisoners] are ... simultaneously isolated and overcrowded. They ... really can't relate in any meaningful way with whom they're celled, and so they basically develop a kind of within cell isolation of their own. And it adds to the tension, and the tensions then can get acted out on each other. It creates hazards for the people who are forced to live that way. It creates hazards for the correctional officers who have to deal with prisoners who are living under those kinds of pressures.").*

*Here is an excerpt from 2012's Boxed In: The True Cost of Extreme Isolation in New York's Prisons. It features Dr. Haney and Dr. Stuart Grassian. Dr. Grassian is another long-time expert on segregation and is a psychiatrist.*

*"In Madrid v. Gomez, a case examining conditions of extreme isolation at California's Pelican Bay State prison where "[r]oughly two-thirds of the inmates [were] double celled," the court cited testimony from Professor Haney and Dr. Stuart Grassian in observing: [Double-celling] does not compensate for the otherwise severe level of social isolation .... The combination of being in extremely close proximity with one other person, while other avenues for normal social interaction are virtually precluded, often makes any long-term normal relationship with the cellmate impossible. Instead, two persons housed together in this type of forced, constant intimacy have an 'enormously high risk of becoming paranoid, hostile, and potentially violent towards each other.' The existence of a cellmate is thus unlikely to provide an opportunity for sustained positive or normal social contact."*

At a session on restrictive housing at the Department's Behavioral Health Symposium, two individuals from the State of Washington said that they do not double bunk in such settings. They did say they are considering it but only for those who are starting to transition out of those settings.

I have recently visited with inmates who are in such situations. I hope that you all can do the same today.

Finally, this work group has been given the task to review the use of restrictive housing and to provide input on ways to reduce and improve the use of restrictive housing. I would ask that you look at the potential concerns that I raised and discuss whether they are valid and, if so, whether improvements can be made to address them.



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May 22, 2017

Dear Long-term Restrictive Housing Work Group Members:

For several months now, I have spent time in restrictive housing units throughout the department due to the numerous complaints from the inmate population, Nebraska citizen inquiries and other stakeholder interests. The following information is shared with the workgroup to give an idea about some of the issues identified that pertain to restrictive housing. Whereas Doug Koebernick, Inspector General for Corrections has made some suggestions on how the work group could move forward with possible areas to explore, I would also like to provide the group some background about my restrictive housing visits and how the information may be helpful to the group.

With that said, in regards to the restrictive housing policy at NDCS, I would recommend that consideration be given to the matters as expressed below for further examination by the workgroup.:

- After the events on May 2, 2017, which resulted in the death of two inmates, the Ombudsman's office noticed a shift in Department policy relating to restricting housing. It appears that the department has adopted a new housing unit concept called, "closed management." It would also appear that this new concept is supposed to be considered "specific mission housing" but the inmates out of cell time is woefully less than what restrictive housing placement inmates receive. The pseudo restrictive housing unit (Closed management) is currently being operated at the Nebraska State Penitentiary (NSP) and Tecumseh State Correctional Institution (TSCI). At this point in time, I have observed operations in these units to be more restrictive than the designated restrictive housing units at the aforementioned facilities. The inmates placed in these units do not have access to programming, activities or education. Additionally, the out of cell time is less than 1.5 hrs. per day.

As you know, Neb.Rev. Stat §83-173.03 provided for the department to promulgate rules and regulations on the subject of “restrictive housing” and provided guidelines for the Department to follow when placing an inmate in such confinement. The department’s new close management unit does not follow the guidelines and criteria’s surrounding restrictive housing. The unit operates like a restrictive housing unit not a general population unit or specific mission housing, so it should follow restrictive housing guidelines. I would like explained how the operations of the close management unit adhere to the law and promulgated rules and regulations concerning “restrictive housing.”

- The following issues set out below reflect unusual challenges and feedback that I have obtained from the inmate population and department staff regarding the operations surrounding close management:
  - A. Close management has caused an operation nightmare for many of the unit staff members.
  - B. Classification actions have not taken placed with inmates in the close management unit. Although, some inmates are classified as minimum custody and others are less than a year from their department release date, no classification actions, reentry or transition plans have been prepared.
  - C. Some inmates are close to their tentative release date or potential parole. Without a review, unit staff express that they cannot put together a mandated personalize plan.
  - D. Many of the inmates placed in the close management unit have already been punished for the same offense that led to their placement.
  - E. Apparently, the decision was made to remove inmates participating in programming throughout the department and place them in the close management unit.
  - F. It was brought to my attention that unit staff can only review an inmate’s history one year out for long term restrictive housing continuation. Why then is there no cap or timetable on historical reviews for those inmates placed in close management. I am aware of one placement in which a review was dated back 5 years ago.
  - G. I am concerned with the tension in the close management unit and the possible ramifications of how this unit is being operated.

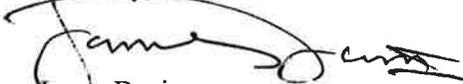
- The recent Vera report indicated a need to watch and observe the reasons for disproportionate minorities placed on segregation status. My visits also contemplate concerns with the disproportionate numbers. In a letter dated March 31, 2017, to the department, I described my analysis of information from the statistical report derived from the Department's NiCam system. The information showed a disproportionate number of minorities placed in Restrictive housing and close management units. I contend that the workgroup should be interested in this imbalance and attempt to explore why minority's (African American's, Hispanics and Native American inmates) have disproportionate contact and placement with segregation units.
- Recently, we found that the Department maybe utilizing information from the Intel data bank to place inmates on restrictive housing. Many of you are not familiar with the Intel data bank collection. It collects information on offenders from various correctional jurisdictions and law enforcement agencies. The intent was to use this bank of information for law enforcement criminal investigations. The department appears to be broadening the use of this collected information. With that said, I wonder if the work group is interested in why this information would be used for classification actions against Department inmates. I believe that the Department should end this practice until transparency is provided, as ultimately, the use of this information adversely impacts the restrictive housing unit population
- Many offenders were placed on immediate segregation for participating on the May 2, 2017 incident. No subsequent write-up's followed, but many of these individuals remain in restrictive housing. It should be explored to see if the standard practice is for unit staff to continue Restrictive housing, based solely on outside reports and not the inmates current demonstrated behavior. We should not support placement or continuation on restrictive housing, as a substitution for administrative confinement.
- I continue to see inmates identified as serious mentally ill placed on restrictive housing. I do not support this and as you may remember the Vera Report also acknowledged that the department should enact policy that restricts placing severe mental illness inmates in any form of restrictive housing that limits meaningful access to social interaction, exercise, environmental stimulation, a therapeutic programming.

James Davis

- I have observed an increase in the use of double-celling by the department (two inmates in a cell together that may not be compatible) and I have noticed a swell in the numbers placed in restrictive housing. As you know, the Vera Report commented that overcrowding tends to lead to double-celling of two people together in a small cell for upwards to twenty-two hours per day. In paraphrasing, some advocates such as the United Nations(UN), Association of State Correctional Administrators(ASCA), National Commission on Correctional Health Care (NCHCC), American Correctional Association(ACA), and American Civil Liberties Union (ACLU) have noted that double-celling in segregation can have dangerous consequences. I would like to see the workgroup take an interest in problems that seem to be arising from double-celling inmates on restrictive housing in the Nebraska Corrections System. Through, my previous dialogue with the workgroup, I have pointed out that the Special Management Units at TSCI, LCC, and NSP do not meet the ACA-standards.

In closing, thank you for your attention and I look forward to hearing your thoughts on these concerns and observations as brought to you.

Sincerely,

A handwritten signature in black ink, appearing to read "James Davis", with a large, sweeping flourish extending to the right.

James Davis

Deputy Ombudsman for Corrections

CC: Marshall Lux, State Ombudsman

DOUG KOEBERNICK  
Inspector General



STATE OF NEBRASKA  
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## Memorandum

To: Judiciary Committee Members  
From: Doug Koebernick, Office of Inspector General  
Re: NDCS Programming  
Date: January 9, 2017

On Wednesday afternoon, the Nebraska Department of Correctional Services (NDCS) will be presenting information to you regarding programming. It follows up on information provided to the LR 34 Special Committee last fall by the Department, including testimony from Director Scott Frakes, Deputy Director Mike Rothwell, and Behavioral Health Administrator Dr. Alice Mitwaruciu.

During 2016, I worked with the Department to begin to create a spreadsheet that contained information on all of the programming that was being offered by NDCS. However, as individuals changed positions within the Department this effort faltered. In November, I attempted to obtain specific information from each facility's warden regarding programming by asking for the following:

- 1) List of all of the programs that are currently taking place at your facility;
- 2) The number of inmates that are currently enrolled in each of those programs;
- 3) Who, including their position, is running each of those programs; and,
- 4) Any future programming plans.

Recently, I received information that answered most of these questions for all but one facility. The most important aspect for me in asking these questions was to ask about programs that were "currently" being offered at their facilities. One of the things that I have learned during my tenure is that there is a difference between programs existing at a facility and programs currently operating at a facility. It is also important to know how many people are currently enrolled in a program. I believe this information will be shared with you on Wednesday so I am not including it with this memorandum. If you would like a copy of what was provided to me please let me know.

As you will learn Wednesday, the Department is attempting to make several changes to the programming that they provide to inmates and the method of delivery of this programming. I am attaching the following three documents that may help you prepare for the briefing:

- 1) A November 4, 2016 memorandum from Dr. Mitwaruciu and Deputy Director Rothwell to NDCS staff that outlines the changes that they planned to make to violent offender

programming and non-clinical programming. They discussed changes to domestic violence programming but I was informed by the Ombudsman's office earlier this week that NDCS will no longer offer any domestic violence programming. Instead, this may be an option for an inmate when they are placed in community custody but it would be up to them to obtain and pay for the programming (should it be available). The document also discusses the move to use non-clinical staff. This is done in many other states and is supported by the Council of State Governments. A concern expressed to me by NDCS staff is that staff who are already stretched thin are now being asked to take on some of these roles and that may lead to more staff leaving. (Document A)

- 2) A December 2, 2016 email from Deputy Director Rothwell to NDCS staff that provides additional information on the programming changes that will be made throughout NDCS.
- 3) A recent NDCS document that provides information similar to that shared by Deputy Director Rothwell but with a few more specifics. The document shows where the programs are taking place, as well as their contact person, length and capacity. The document does not indicate whether or not these programs are actually taking place and how many people are actually in the programs at the current time. In my annual report, I requested that they provide this and other specific information on a quarterly basis as it would provide a much more accurate picture of what is taking place at each facility.

As always, I am more than willing to research and answer any questions that you may have regarding programming or any other correctional issue.



# STATE OF NEBRASKA

DEPARTMENT OF CORRECTIONAL SERVICES

Scott R. Frakes

Director



Pete Ricketts  
Governor

**Date:** November 04, 2016

**To:** NDCS Staff

**From:** Dr. Alice Mitwaruciu, Behavioral Health Administrator   
Mike Rothwell, Deputy Director 

**Re:** Clinical & Non-Clinical Programming

There have recently been multiple changes within violent offender programming services as well as changes/additions in regard to non-clinical programming. The following information is for clarification and as a follow up to prior communication:

- Effective immediately, inmates completing anger management programming or domestic violence programming will not be subject to additional CVORT review. As always, during the course of their treatment individuals can be referred back to the CVORT by facilitators as deemed appropriate.
- NDCS will no longer utilize the titles of "Anger Management Programming with CVORT Review" and "Domestic Violence Programming with CVORT Review". Programming formerly known as "Anger Management with CVORT Review" will now be known as "High Risk/Need Anger Management". Programming formerly known as "Domestic Violence with CVORT Review" will now be known as "Domestic Violence High Risk/Need". Please note that it will take some time for the electronic record drop-downs to be updated to appropriately reflect this change.
- Beginning 1/1/2017, clinicians will no longer facilitate any domestic violence programming. Existing domestic violence programming groups will be completed by the appropriately trained/experienced non-clinical staff.
- Clinical violent offender programming facilitated by mental health practitioners in adult facilities as of 1/1/2017 will include only the Violence Reduction Program and High Risk/Need Anger Management.
- Non-clinical programming in adult facilities as of 1/1/2017 will include: Thinking for a Change; Living in Balance; Beyond Anger; Moral Reconciliation Therapy; and, in restrictive housing, Living Skills.
- General oversight, including maintaining non-clinical program wait lists, and responding to questions/concerns/IIRs regarding non-clinical programs will be managed by Deputy Director Rothwell until a non-clinical program manager is in place.

- Clinical staff will continue to roster individuals for High Risk/Need Anger Management and VRP. Mental health will continue to recommend that individuals with a recommendation for VRP and/or High Risk/Need Anger Management complete their recommended programming within a secure facility.
- The Violence Reduction Program (VRP) will be expanding to other facilities in addition to NSP. The target date for VRP offering at TSCI and LCC is January 2017.
- Clinical staff will continue to provide anger management programming and Aggression Replacement Training (ART) for individuals at NCYF due to the unique needs of the youth population.

As we move forward, any questions/concerns in regard to clinical violent offender programming can be directed to Clinical Program Manager Logston. Any questions/concerns in regard to non-clinical programming can be directed to Deputy Director Rothwell.

Cc: Rosalyn Cotton, Chair, Nebraska Board of Parole

(B)

Nebraska  
Legislature

Doug Koebernick &lt;dkoebernick@leg.ne.gov&gt;

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## Programs

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Rothwell, Michael <Michael.Rothwell@nebraska.gov>  
To: DCS Agency <DCS.Agency@nebraska.gov>

Fri, Dec 2, 2016 at 4:55 PM

I would like to take the opportunity to discuss correctional programs within the Nebraska Department of Correctional Services (NDCS) and how these programs affect you. It is important to consider programming in a systematic fashion. This systems approach to managing an offender throughout their incarceration is important to create a safe correctional environment and enhance the likelihood that the offender will succeed in the community. The process begins at reception where the risk assessment is administered and reentry planning begins.

The Strong R is the actuarial tool that will be utilized to engage offenders in programs based on their highest risk. Offenders will be identified as High, Moderate, and Low risk. High risk offenders will be referred to clinical core risk reducing programs. Moderate risk offenders will be referred to non-clinical programs. Low risk offenders will be able to participate in programs as space is available. From the Strong R scores, an individualized case plan will be developed.

The Strong R, TABE test, case plan, classification and all related assessments will be completed within 90 days of admission. The current classification tool is undergoing a revision so that offenders are more appropriately identified as to security risk. Dr. Zach Hamilton is working with UNO to create an instrument validated on Nebraska offenders. Some Case Managers and Unit Administrators have been trained on the new classification tool. The instrument is being beta tested on 500 offenders to determine accuracy and effectiveness before going system wide. It is critical that offenders have the right custody level and are assigned to the right facility for program participation. The case plan will identify the highest risks of the offender with specific recommendations to core programs. The goal is to have offenders placed in appropriate risk reducing programs earlier in their sentence rather than later. Each offender will have a specific track that identifies what their high and moderate risks are and the corresponding programs for them to complete. Their sentence will be divided into thirds working back from their Parole Eligibility Date (PED). Their case plan will identify what programs will be taken so that all programs may be completed by their PED.

Correct classification by security level and referral to appropriate risk reducing programs helps reduce idleness, improves offender attitudes and helps you manage offenders more safely. Research has shown that positive program participation reduces misconduct reports, reduces sick call, and increases pro social activities on the part of the offender.

### Programs to be Offered

**Moral Reconciliation Therapy (MRT)** will serve as an introductory program. Moral Reconciliation Therapy is an evidenced based cognitive skills program where offenders participate in a group setting and focus on thinking errors. "It is a systematic, cognitive-behavioral, step-by-step treatment strategy designed to enhance self-image, promote growth of a positive, productive identity, and facilitate the development of higher stages of moral reasoning. All of these goals are ultimately demonstrated by more appropriate behavior on the part of the program participants. This will ideally be offered in the first third of an offender's sentence as a way to help them adjust to incarceration and begin the process of identifying critical thinking errors that lead to poor decision making. Currently there are approximately 189 offenders engaged in MRT at 8 facilities. There are 38 facilitators offering the program. These facilitators are Case Worker's, Case Manager's, Educators, and others who have volunteered to take on additional responsibilities. As the demand for this program increases additional staff will be trained.

**Thinking for a Change (T4C)** is a higher level, evidence based, more intense cognitive behavioral intervention designed to use role play and thinking reports. Offenders are in groups that identify and confront those thinking errors specific to

each participant that has led to increasing difficulty in life. Offenders review their thinking errors with each other and the facilitator to come up with mutual strategies for successfully reducing these thinking errors. This will be initially offered as a transitional program within the last 2 years of incarceration at WEC and NCCW. Some current facilitators will be trained later as trainers to expand the program, 7 staff at WEC and NCCW have been trained in Thinking for a Change. T4C currently has two groups of 12 meeting at NCCW with WEC scheduled to begin soon. As the facilitators develop skills, some will be trained as trainers to begin the process of expanding T4C to other facilities. We have asked NIC to come to Nebraska to train more facilitators.

**Beyond Anger and From the Inside Out** is a 16 week program divided into two components as shown below. It will be initially offered at LCC and WEC. This is a non-clinical program designed to assist prison management identify aggressive and angry offenders that would benefit from participating in a structured program designed to reduce those negative behaviors. As the program demonstrates effectiveness it will be offered at other facilities.

**Beyond Anger – Connecting with Self and Others** is a four-week curriculum that helps offenders in institutional settings address anger, reconciliation, and emotion management and provides guidelines for daily living. Role plays and testimonials by offender's help offenders explore spouse and family issues, forgiveness and letting go of the past. The program stresses how to take action, deal with feelings, and make positive progress.

**From the Inside Out – Taking Personal Responsibility for the Relationships in Your Life.** This is a 12 week curriculum that provides offenders in institutional settings tools for building, strengthening, and maintaining relationships. Concrete examples, specific advice, offender testimonials, and role plays teach offenders how to improve relationships by taking personal responsibility for them. The anger management program will eventually be offered at 8 facilities excluding the work release facilities. The program will be facilitated by nonclinical staff who will be trained in this model.

**Living Skills** is divided into two unique components: Personal Growth and Practical Guidance. Understanding and practicing the skills needed for daily living are tremendously important, especially in today's economic climate. This will be a program for offenders in Restrictive Housing.

Personal Growth covers the internal skills needed to be a positive member of a community. Topics include:

- Making decisions
- Refusal skills
- Interpersonal skills
- Values and responsibilities
- Setting and attaining goals
- Parenting and child development

Practical Guidance provides information on the day-to-day external skills needed to live a healthy life. Topics include:

- Hygiene and self-care
- Sexual Health
- Looking for work
- Education
- Managing Money
- Securing housing

Both Personal Growth and Practical Guidance are provided on a CD-ROM and two DVDs. Each topic includes a four-session facilitator guide, reproducible offender handouts and workbook. Videos show each skill in action. This program will be offered to offenders in restrictive housing. This is a DVD program with workbooks that could be utilized either in cell or in small groups. This will be offered at TSCI, NSP, LCC, NCCW and NCYF. Non-clinical staff will be utilized to facilitate this program.

**Living in Balance (LIB)** is listed on the **National Registry of Evidenced-based Programs and Practices (NREPP)**. This flexible educational program draws from cognitive-behavioral, experiential and Twelve Step approaches to help offenders achieve lifelong recovery and right living. LIB in other states is conducted by clinical and non-clinical staff. In California former offenders serve as facilitators in some half way houses. This program has been endorsed by both the **National Institute on Drug Abuse (NIDA)** and **Substance Abuse and Mental Health Services Association (SAMHSA)**, national agencies that accredit and recognized best practices. Twenty staff from 5 facilities has been trained as facilitators. An implementation team from this group will be identified to begin the planning for implementation in early January. LIB will be offered at OCC, NCCW, TSCI, WEC, and NSP. This program is not therapy or counseling. It is offered in an educational workshop format for moderate risk offenders who have a history of alcohol or drug abuse, that negatively has impacted their lives. The goal is to regain balance in their lives and develop coping strategies for those things that impact inappropriate behavior.

**Beyond Trauma** is an evidence based program that will only be offered at NCCW. This is a joint venture with Prison Fellowship using material by Stephanie Covington. This is a gender specific trauma informed program for women. Materials have been ordered and staff will be trained when they arrive. A companion Anger Management program will also be offered. This will be a joint effort with clinical and non-clinical staff.

These core programs will be offered by nonclinical staff. This would include case managers and case workers at various facilities. Staff will be identified to offer each program at their respective facility. These co-facilitated groups will last long enough to enable the respective staff to develop confidence and proficiency. A small cadre of potential trainers will be identified for future training and expansion.

To assist in the development of a case management system, CSG is researching the implementation of a 40 hour Case Management Academy. This will provide staff competencies and skills necessary to succeed. The Academy will offer intensive training in the complexities of case management that might include such topics as Motivational Interviewing, Case Management Principles, Cognitive Behavioral Tools, and Core Correctional Practices as an example.

**Reentry** is the process of preparing offenders in prison for release, by providing programming and connecting them with community resources. Reentry planning is fluid based on an individual's needs and risks. Reentry Specialists support individuals in finding housing, mental health services, employment, education, transportation, recreation, spiritual, establishing prosocial connections and assist with family reunification and personal wellbeing. The Reentry process is important, as it gives the offender an opportunity to have a say in their release plan.

July 1st, was the beginning of the new grant cycle for the Vocational and Life Skills program. Five Grantees from the previous grant cycle were awarded new grants to include Center for People in Need (CFIN), Mental Health Association (MHA), Metropolitan Community College (MCC), ResCare and Western Alternative Corrections. In addition, three new Grantees were awarded; Associated Builders and Contractors (ABC), Williams Prepared Place (Hope of Glory Ministries) and ReConnect.

In this new Grant cycle the Vocational and Life Skills programs will be serving participants in all institutions: DEC, NCYF, OCC, CCC-O, CCC-L, NSP, DEC, LCC, TSCI, NCCW and WEC. The services provided include:

ABC - OSHA 10 hour certificate (Construction and General Industry), Construction Core Curriculum and Construction Technology. Locations: CCC-O, NSP, TSCI, CCC-L, NCCW and WEC.

MHA – WRAP (Wellness Recovery Action Plan) a life skills class for people living with mental health, addictions, trauma, medical conditions and other issues is delivered at NSP, LCC, TSCI and NCCW. They provide residential services at Haru Home, employment and support individuals' access social services and other community resources. MHA is unique because services are provided by peer specialists.

ReConnect – Success Prep and Final Number NCYF, CCC-O, OCC, LCC, DEC, NSP, and TSCI

MCC – Education (Quarterly Credit and Non-Credit Classes) Forklift Certificates and OSHA 10 Hour NCYF, OCC, CCC-O and NCCW

CFPIN / TRADE – Life Skills Core classes which includes Conflict Resolution, Critical Thinking, Communication, Personal Finance, Healthy Relationships, Basic Computer and Job Prep at NSP. Day and evening vocational and life skills classes are provided for CCCL offenders at the Center for People in Need.

ResCare – Career Pathways (Life Skills classes, resume preparation and one-on-one interviewing skills) NCCW. In addition, ResCare provides employment services at Probation Offices in Lincoln, Omaha, Grand Island, and Gering.

In the last grant cycle, those institutions served on the inside were NCYF, CCC-O, OCC and NCCW. With this new grant cycle we have increased programming to participants on the inside significantly. The only two grantees not participating on the inside are residential facilities, but they provide employment and life skills programs for their residents. They also are provided the opportunity to speak about their services to the people inside before they are released.

By taking a systems approach to develop sound correctional programming you incrementally build the system. Each component is added over time much like the building blocks used in the foundation of a home.

The process starts with assessment, case planning, program referral, holistic programming, program monitoring, reentry planning and discharge into the community. Attached to the email is a list of all programs offered within NDCS.

We must be deliberative in the planning and implementation of correctional programs so we reduce idleness with valuable pro-social activities that keep people safe and reduce the likelihood that the offender will return to prison.

Michael Rothwell, Deputy Director

Programs and Community Services

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# Clinical Programs Available at NDCS

Facility	Program	Description	Contact Person	Length	Capacity
OCC, NSP	Anger Management with Review	High risk/high needs	Brandy Logston	12 weeks	12-14 participants
OCC, NSP	Domestic Violence with Review	High risk/high needs	Brandy Logston	Minimum 31 weeks	12-14 participants
NSP	Violence Reduction Program	Intensive treatment option for inmates at high risk for violent re-offense. Inmates with strong antisocial beliefs or lifestyle; evidence of psychopathy; instrumental	Brandy Logston	9-12 months	12 participants
NCYF	Aggression Replacement Therapy (ART)	This program promotes the development of a pro-social behavior and the reduction of violent behavior in chronically	Michael Luebbert	12 sessions	10-14 participants
NCYF	Grudge Reduction	Teaches participants how to reduce their	Michael Luebbert	Twelve	6 to 8 participants
NCYF	ExPLORE	ExPLORE, which stands for Exercises in Principled Living for Offender Re-entry, was developed to assist incarcerated inmates in their transition back to society as happy and successful citizens. ExPLORE is designed to address the effects of a so-called "cognitive arrest."	Michael Luebbert	Ten sessions	1 to 4 participants
NCYF	CBT/Schema-Focused Depression Group	Provides cognitive behavioral treatment for inmates suffering from depression.	Michael Luebbert	12 sessions	8 to 10 participants
NCYF	CBT/Schema-Focused Anxiety Group	Provides cognitive behavioral treatment for inmates suffering from anxiety symptoms.	Michael Luebbert	12 sessions	8 to 10 participants
NCYF	Drug/Alcohol Education	Education on drugs and alcohol for the youth.	Natalie Johnson	Once every quarter	10 participants
NSP, OCC, TSCI, LCC, NCCW	Residential Treatment for Substance Abuse: RTC, SAU, COP	Inmates assigned to Residential Programs have been identified as having serious substance abuse issues. Programs last generally about ten months.	Natalie Johnson	6 months	RTC: 100 OCC/SAU:96 TSCI/SAU:68 NCCW/SAU:48

LCC	iHeLP- Inpatient Sex Offender Treatment Program	Inpatient Healthy Lives Program offered for offenders who have been assessed as a high risk for further sexual violence.	Paul Rodriguez	2-3 Years	52 participants
OCC, NSP, NCCW	oHeLP Outpatient Sex Offender Program	Outpatient Healthy Lives Program offered at OCC to those inmates who are assessed to be at a relatively moderate risk to sexually reoffend.	Paul Rodriguez	12-15 months	8 participants
OCC, NSP, NCCW	bHeLP Sex Offender Program	Bibliotherapy Healthy Lives Program offered to inmates that are a low risk to reoffend. Inmates work at their own pace on materials provided by the therapists and takes several months to complete.	Paul Rodriguez	9 sessions	8 participants
OCC, NSP, LCC, CCC-L, CCC-O, Traber Hall, Omaha State Office Building	Continuing Care-Sex Offender Program	A program to help participants maintain and strengthen the gains they made in other treatment programs. It also helps participants navigate new challenges and helps support the transition back to a community setting.	Paul Rodriguez	As Clinically Indicated	No Set capacity
NCYF, LCC, CCO, WEC, CCCL	Non-residential Treatment for Substance Abuse: IOP & OP	Available for offenders who are not eligible for the residential program due to lower level substance abuse issues.	Robin Hinrichs	IOP: 10-12 wks OP: 8-10 wks	25-30 participants
LCC, NSP	METEOR	Introduces the concepts of stages of change and tries to assess and educate participants about where they are at and how they can move forward if they choose to.	Shane Meyer	Five Sessions	

LCC	Mental Health Unit	The MHU is a residential treatment community designated for those inmates with Serious Mental Illness or developmental/organic disabilities and who are assessed as having significant functional impairment. Inmates are located on Housing Unit D.	Wayne Chandler	Adjunct Groups run approximately 10-12 weeks and Core Groups are on-going throughout the year.	The MHU on D-Unit has an approximately capacity of 74.
LCC	Secure Mental Health Unit	Inmates who are diagnosed with a Serious Mental Illness or significant developmental/organic disability and are not currently suited to be housed on the MHU due to clinical or behavioral risk factors. Inmates are located on unit C2.	Wayne Chandler	Adjunct Groups run approximately 10-12 weeks and Core Groups are on-going.	The SMHU is on C2-Unit and has a capacity of 30. There are 4 additional restricted housing beds for those individuals who require camera observation or other restrictions that cannot be accommodated on Housing Unit C-2.

# Enrichment Programs Available at NDCS

Facility	Program	Description	Contact Person	Length	Capacity per Group
	Victim Impact		Aaron Rule		
All Facilities	Moral Reconciliation Therapy	Moral Reconciliation Therapy is a cognitive skills program where offenders participate in a group setting and focus on thinking errors.	Grace Sankey-Berman	12-17 weeks	10 participants
NSP, NCCW	Released and Restored	Provides life skills training for employment, finances, and consumer education.	Kevin Hand or Grace Sankey-Berman	20 sessions	12 participants
NSP, TSCI, and NCCW	ABC Construction: Construction Technology	Training programs will be followed by a building project that will allow the students to experience work based learning hands on applications in carpentry, plumbing, electrical, HVAC, drywall, roofing, finish carpentry and painting.	Kevin Hand or Grace Sankey-Berman	18 months	15 participants
CCC-O, NSP, TSCI, CCC-L, NCCW, and WEC	ABC Construction: OSHA Certificate	The Core Curriculum, the foundation course for all National Center for Construction Education Research (NCCER) apprenticeship training programs will be followed by a building project that will allow the students to experience work based learning hands on applications in carpentry, plumbing, electrical, HVAC, drywall, roofing, finish carpentry and painting.	Kevin Hand or Grace Sankey-Berman	12 weeks + 20 hours for certificate	15 participants
TSCI, NSP, NCCW, LCC	WRAP: Vocational and Life Skills Program	The Wellness Recovery Action Plan® or WRAP®, is a self-designed prevention and wellness process that anyone can use to get well, stay well and make their life the way they want it to be. It is to address all kinds of physical, mental health and life issues. Currently Used for Restrictive Housing.	Kevin Hand or Grace Sankey-Berman	9 weeks	15 participants
NSP	TRADE Program: Vocational and Life Skills Program	TRADE Program teaches life skills core classes which include Conflict Resolution, Critical Thinking, Communication, Personal Finance, Healthy Relationships, Basic Computer and Job Prep.	Kevin Hand or Grace Sankey-Berman	2 weeks	15 participants

NCCW	ResCare Workforce Services: Vocational and Life Skills Program	Job preparation and job retention services.	Kevin Hand or Grace Sankey-Berman	4 weeks	20 participants
NCYF, CCC-O, OCC, LCC, NSP, and TSCI	ReConnect: Vocational and Life Skills Program	The program places emphasis on employment preparation and retention skills while also helping clients develop comprehensive problem solving and life skills needed to be successful in the workplace, and in life.	Kevin Hand or Grace Sankey-Berman	5 weeks	10 participants
LCC	Domesti-PUPS	Utilizing inmate volunteer trainers, Domesti-PUPS provides service dogs for persons with disabilities, pet therapy programs, classroom dogs and education programs.	Ladena Koch	Six months to a year	4 participants
TSCI, LCC	Transformation Project	A prisoner transition and reentry program aimed at promoting positive inmate behavior during incarceration and preparing participants for transition back into community upon release from prison. Available for inmates who have long term restrictive housing.	Laura Schoenrock (NCJR)	13 modules	Self-study modules available for inmates who are sentenced to long term restrictive housing.
OCC, WEC, TSCI, NCCW, NCYF	7 Habits on the Inside	Helps inmates understand and implement the principles of integrity, proactivity, and other key principles with the goal of helping them achieve their highest potential inside and outside prison.	Layne Gissler	10 sessions	10 participants
OCC, NSP, LCC, NCCW, TSCI, WEC	Destination...Dad (Inside out Dads, Within my Reach, Common Sense Parenting)	Multi-component model to restore the relationships between incarcerated fathers and their children.	Layne Gissler / Christian Heritage	7 weeks	15 participants
NCCW, WEC	Thinking for a Change	A higher level cognitive behavioral intervention designed to use role play and thinking reports.	Mike Rothwell	To be determined.	12-15 participants
NCYF	Living Skills	Understanding and practicing the skills needed for daily living are tremendously important, especially in today's economic climate. Living skills is divided into two unique components: Personal Growth and Practical Guidance.	Mike Rothwell	To be determined.	12-15 participants

All Facilities	Preventive Health Education	A broad range of health topics are offered to inmates such as dental care, smoking awareness, exercise, menopause, diabetes, prescription drug abuse prevention, and others.	Nancy Vossler	One hour per topic	Dependent on interest at facility
All Facilities	Living Well	Inmates with chronic conditions teaches how to manage them.	Nancy Vossler	6 weeks	12 participants
NCCW	SISTA	Sisters Informing Sisters on Topics about AIDS. Lessons on healthy lifestyle and opportunity to discuss female health issues.	Nancy Vossler	6 weeks	12 participants
NCCW, NSP, OCC, LCC, CCC-L, CCC-O, NCYF	Nutrition	Teaches how to be healthy.	Nancy Vossler	Two sessions	15-20 participants
NSP	Second Chance Pups & Domesti-PUPS	Inmate volunteers are selected to train dogs in basic obedience while providing human socialization and interaction with other dogs. Also, inmates train service dogs for person with disabilities, pet therapy programs, classroom dogs and education programs.	Rich Brittenham	Second Change PUPS has a 9-week rotation. Domesti-Pups continue on from 6 months to a year.	About 15-25 participants between both programs.

## Education Programs Available at NDCS

Facility	Program	Description	Contact Person
All Facilities	Job Skills and Readiness	Teaches about communication for relationship building to obtain a job.	Jean Slieter
All Facilities	ABE/ASE General Population	For adult inmates who need to obtain the equivalent of a high school diploma or if they need to brush up on basic skills regardless of their diploma status.	Jean Slieter
All Facilities	ESL/ELL	English as a second language is designed to aid those students not fluent in English learn to speak, read, hear and write the language so they can better function in society.	Jean Slieter
NCYF	High school	Offered to the youth that need to finish their high school.	Susan Harder
LCC, TSCI, NCCW, OCC, NSP	College Courses	College courses offered through various universities/colleges and correspondence courses available.	Jean Slieter

## Total Successful Completions for Fiscal Year 2016

Clinical Programs:	Total Successful Completions FY16
<b>Violence Reduction Program</b>	16
<b>Anger Management *</b>	109
<b>Domestic Violence *</b>	16
<b>Aggression Replacement Therapy</b>	19
<b>iHeLP</b>	8
<b>oHeLP</b>	11
<b>bHeLP</b>	20
<b>Residential Substance Abuse</b>	481
<b>Non-Residential Substance Abuse</b>	677
<b>Drug/Alcohol Education</b>	46
Non-Clinical Programs:	Total Successful Completions FY16
<b>Moral Reconciliation Therapy</b>	265
* Please refer to tab "Clinical Programs" and "Enrichment Programs" for information about the programs and take this into consideration in evaluating the total program completions for fiscal year 2016.	
* Includes those with clinical review	

# Programming Data: Current Status 03.16.2017

## Clinical Violence Programming

### Violence Reduction Program

	On Waitlist	In Programming
Past PED	26	25
NOT Past PED	122	17
<b>Total</b>	<b>148</b>	<b>42</b>

### High Risk/ Need Anger Management

	On Waitlist	In Programming
Past PED	52	9
NOT Past PED	188	25
<b>Total</b>	<b>240</b>	<b>34</b>

### Aggression Replacement Therapy (ART)

	On Waitlist	In Programming
Past PED	3	0
NOT Past PED	25	4
<b>Total</b>	<b>28</b>	<b>4</b>

## Clinical Sex Offender Programming

### bHeLP

	On Waitlist	In Programming
Past PED	2	7
NOT Past PED	39	8
<b>Total</b>	<b>41</b>	<b>15</b>

### oHeLP

	On Waitlist	In Programming
Past PED	19	29
NOT Past PED	74	10
<b>Total</b>	<b>93</b>	<b>39</b>

### iHeLP

	On Waitlist	In Programming
Past PED	22	43
NOT Past PED	30	11
<b>Total</b>	<b>52</b>	<b>54</b>

## Substance Abuse Programming

### Residential

	On Waitlist	In Programming
Past PED	57	71
NOT Past PED	234	201
<b>Total</b>	<b>291</b>	<b>272</b>

### Non-Residential

	On Waitlist	In Programming
Past PED	24	40
NOT Past PED	126	100
<b>Total</b>	<b>150</b>	<b>140</b>

### Drug & Alcohol Education

	On Waitlist	In Programming
Past PED	1	3
NOT Past PED	7	4
<b>Total</b>	<b>8</b>	<b>7</b>

## Education

### GED/High School/ESL

	In Programming
<b>Total</b>	<b>405</b>

## Non-Clinical Programming

### Destination...Dads

	In Programming
<b>Total</b>	<b>90</b>

### Thinking for a Change

	In Programming
Total	49

### 7 Habits on the Inside

	In Programming
Total	8

### Beyond Anger and From the Inside Out

	In Programming
Total	15

### Moral Reconciliation Therapy (MRT)

	In Programming
Total	384

Notes: Data provided reflects what is on NICaMS. Substance Abuse Data was provided by supervisors/managers. Please keep in mind that an inmate has the opportunity to participate more than once if unsuccessfully completed and could be past their PED when they enter back into the program. Education and non-clinical programs are not categorized by PED because we cannot distinguish who is recommended for programming versus who volunteers. From the non-clinical programs, parole guidelines include people recommended for MRT and Thinking for a Change.

## Programming Information<sup>3</sup>

### Violence Reduction Program (VRP)

Waitlist contains inmates with VRP recommendation that have accepted/not responded. Must have a parole eligibility date (PED), have at least 12 months till TRD. This list includes 33 who have terminated/withdrawn and are at least on their second attempt to complete programming. VRP is offered at LCC, NSP, & TSCI.

	<u>On Waitlist</u>	<u>In Programming</u>	<u>Total</u>
Post - PED	29	23	52
Pre - PED	115	5	120
Total	144	28	172

### VRP Waitlist by Facility

Facility	<u>Post-PED</u>	<u>Pre-PED</u>
COJL <sup>4</sup>	0	2
DEC	0	1
LCC	4	14
NSP	7	48
OCC	2	2
TSCI	16	48
Total	29	115

### High Risk/Need Anger Management

Waitlist contains inmates with high Risk/Need Anger Management recommendation that have not accepted/not responded.

	<u>On Waitlist</u>	<u>In Programming</u>	<u>Total</u>
Post - PED	47	17	64
Pre - PED	161	34	195
Total	208	51	259

### Residential Substance Abuse

The substance abuse waitlists do not include those who have been recommended for substance abuse treatment and have NOT submitted an application. It also does not include individuals whose application was denied, or those who were removed from waitlist for behavior/misconduct reports.

	<u>On Waitlist</u>	<u>In Programming</u>	<u>Total</u>
Post - PED	25	81	106
Pre - PED	196	180	376
Total	221	261	481

### Residential Substance Abuse Waitlist by Facility

Facility	<u>Post-PED</u>	<u>Pre-PED</u>
NCCW	1	31
NSP	10	100
OCC	13	46
TSCI	0	10
NCYF	1	9
Total	25	196

### Substance Abuse Non Residential

	<u>On Waitlist</u>	<u>In Programming</u>	<u>Total</u>
Post - PED	36	41	77
Pre - PED	114	117	231
Total	150	158	308

### Non-Residential Waitlist by Facility

	<u>Post-PED</u>	<u>Pre-PED</u>
CCCO	0	8
CCCL	28	74
WEC	2	23
NCYF	6	9
Total	36	114

3. Programming data provided from NDCS data system (NICaMS). Substance Abuse Data was provided by program supervisors/managers. Note that inmates have the opportunity to participate in programs more than once and, if they unsuccessfully complete a program, could be past their parole eligibility date (PED) when they re-enter the program at a later time.

4. COJL = Inmates housed in a County Jail.

## Programming Information<sup>3</sup> cont.

### Anger Management Waitlist by Facility

Waitlist contains inmates with High/Risk/Need Anger Management Recommendation that have accepted/not responded.

Facility	Post-PED	Pre-PED
COJL <sup>4</sup>	2	1
CCO	1	1
DEC	3	11
LCC	11	18
NCCW	4	12
NSP	6	43
OCC	0	18
<u>TSCI</u>	<u>20</u>	<u>57</u>
Total	47	161

### Inpatient Sex Offender Program (iHelp)

Waitlist contains inmates with iHeLP Recommendation that have accepted/not responded.

	On Waitlist	In programming	Total
Post - PED	32	39	71
<u>Pre - PED</u>	<u>25</u>	<u>10</u>	<u>35</u>
Total	57	49	106

### iHelp Waitlist by Facility

Facility	Post-PED	Pre-PED
NCCW	1	0
NSP	6	8
OCC	4	1
TSCI	6	5
LCC	15	10
<u>DEC</u>	<u>0</u>	<u>1</u>
Total	32	25

### Anger Replacement Therapy (ART)

	On Waitlist	In programming	Total
Post - PED	4	0	4
<u>Pre - PED</u>	<u>26</u>	<u>3</u>	<u>29</u>
Total	30	3	33

### Outpatient Sex Offender Program (oHelp)

Waitlist contains inmates with oHeLP Recommendation that have accepted/not responded.

	On Waitlist	In programming	Total
Post - PED	28	24	52
<u>Pre - PED</u>	<u>87</u>	<u>12</u>	<u>99</u>
Total	115	36	151

### bHelp Sex Offender Program

Waitlist contains inmates with bHeLP Recommendation that have accepted/not responded.

	On Waitlist	In programming	Total
Post-PED	2	4	8
<u>Pre - PED</u>	<u>54</u>	<u>0</u>	<u>59</u>
Total	56	4	67

### oHelp Waitlist by Facility

Facility	Post-PED	Pre-PED
NCCW	1	4
NSP	4	28
OCC	13	34
TSCI	10	14
LCC	0	5
<u>DEC</u>	<u>0</u>	<u>2</u>
Total	28	87

3. Programming data provided from NDCS data system (NICaMS). Substance Abuse Data was provided by program supervisors/managers. Note that inmates have the opportunity to participate in programs more than once and, if they unsuccessfully complete a program, could be past their parole eligibility date (PED) when they re-enter the program at a later time.

4. COJL = Inmates housed in a County Jail.

# NEBRASKA

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DEPT OF CORRECTIONAL SERVICES

NDCS Quarterly Data Sheet  
April - June 2017

## Programming Information<sup>3</sup> cont.

### bHelp Waitlist by Facility

Facility	Post-PED	Pre-PED
NCCW	0	2
NSP	1	22
OCC	1	15
TSCI	0	6
LCC	0	2
COJL <sup>4</sup>	0	1
DEC	0	6
Total	2	54

### Programs: Successful Completions 4th Quarter (April - June 2017)

Program Name	Successful Completions
<b>Clinical Programs:</b>	
Sex Offender Program-iHeLP	4
Sex Offender Program - oHeLP	6
Sex Offender Program -bHeLP	5
Violence Reduction Program (VRP)	7
Anger Management High Risk/Need	29
Aggression Replacement Therapy (ART)	2
Substance Abuse-Residential	107
Substance Abuse- Non Residential (IOP & OP)	139
Drug & Alcohol Education	18
<b>Core Non-Clinical Programs:</b>	
GED	29
High School	1
Thinking for a Change	19
Moral Reconciliation Therapy	141
Living in Balance	0

### Non-Clinical Programming<sup>5</sup>

GED/High School/ESL
In Programming
401

Destination Dads
In Programming
53

Thinking for a Change
In Programming
36

7 Habits on the Inside
In Programming
7

Beyond Anger/From the Inside Out
In Programming
21

Moral Reconciliation Therapy (MRT)
In Programming
378

3. Programming data provided from NDCS data system (NICaMS). Substance Abuse Data was provided by program supervisors/managers. Note that inmates have the opportunity to participate in programs more than once and, if they unsuccessfully complete a program, could be past their parole eligibility date (PED) when they re-enter the program at a later time.

4. COJL = Inmates housed in a County Jail

5. Education and non-clinical programs are not categorized by PED because NICaMS cannot currently distinguish those recommended for programming from volunteers.

## Reentry and Discharge

### Parole Revocations Q4 2017

Month	Revocations	Male	Female	Technical	New Law Violation
April	46	40	6	24	22
May	37	33	4	15	22
June	38	33	5	20	18
Total	121	106	15	59	62

### Mandatory Discharges Q4 2017

	April	May	June	Totals	% of Total
<b>CCL</b>	9	14	6	29	13.2%
<b>CCO</b>	7	3	10	20	9.1%
<b>DEC</b>	10	16	11	37	16.8%
<b>LCC</b>	1	5	3	9	4.1%
<b>NCW</b>	7	16	12	35	15.9%
<b>NSP</b>	10	7	13	30	13.6%
<b>OCC</b>	12	12	11	35	15.9%
<b>TSC</b>	6	5	3	14	6.4%
<b>WEC</b>	2	3	5	10	4.5%
<b>ADM</b>	0	1	0	1	0.5%
<b>Totals</b>	64	82	74	220	100.0%

### Parole Eligible Inmates by Facility

Facility	# of Inmates
CCL	109
CCO	40
DEC	79
LCC	126
NCW	62
NCY	3
NSP	205
OCC	200
TSC	148
WEC	36
Total	1008

### Community Custody Pending Transfers

Individuals waiting to transfer to a community corrections facility<sup>6</sup> – 237

Individuals on the transfer list prior to 4/1/17 – 19

#### Reasons for delay in transfer to community

Completion of Substance Abuse Programming – 71

Completion of other programming - 7

Recent misconduct report – 5

Refused Transfer - 4

Medical/MH recommendation – 3

6. Individuals housed at a secure facility on June 30, 2017 who have been classified community custody and are pending transfer to a community corrections facility. This list changes on a daily basis and the goal is to have the list turn over as frequently as possible to maximize the number of people who have an opportunity to transition back into the community through work release or work detail.



Pete Ricketts, Governor

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DEPT OF CORRECTIONAL SERVICES

DATE: September 07, 2017

TO: Nebraska Department of Correctional Services Administration

FROM: Jeff Melvin, Ph.D., Behavioral Health Assistant Administrator – Sex Offender Services *J.M.*  
Alice Mitwaruciu, Ph.D., Behavioral Health Administrator

RE: Changes in Sexual Offender Programming

### Update on Sexual Offender Programming/Services

Behavioral Health Sexual Offender Services has been working hard the past two months incorporating evidence-based research into our assessment and treatment. To that end, we collaborated with other agencies to bring Dr. Pamela Yates to Nebraska for a week-long training in the research-supported Good Lives-Self-Regulation Model of treatment. NDCS staff learned alongside state-wide community providers, Regional Center colleagues, and parole-probation personnel. Dr. Yates is primarily a psychologist-researcher currently, but she has also worked in the prison systems of Canada providing direct sexual offending services. She has published extensively, serves on various global committees working in the field of sexual offender treatment, and trains providers. She is considered an expert in her work with the sexual offending population. In addition to providing a week of training, she consulted with Drs. Melvin and Mitwaruciu about direct application to our NDCS programs and services and has agreed to do so going forward. Dr. Melvin has also conducted an extensive literature review to make sure that NDCS programs are based on current evidence-based research.

Research very much supports sexual offender programming that is based on the principles of risk, need, and responsivity. Specifically, the principles support providing high intensity programming (300 + hours across 9-12 months) to those clients who have high risk/needs, moderate intensity programming (100 to 200 hours) to those clients with moderate risk/needs, and no programming for those considered low-risk to recidivate. In fact, studies have demonstrated that “over-treating” low-risk offenders can actually raise recidivism rates.

Our leadership team has discussed this research and training provided by Dr. Yates recently and has decided to eliminate our previously-offered b-HeLP level of treatment that has been about 9 weeks in length and geared to low-risk offenders. Our last group is finishing currently at OCC. All clients who have previously been screened by the Clinical Sexual Offender Review Team (CSORT) as needing b-HeLP will not be required to complete it in order to be considered for community promotion or parole. Elimination of b-HeLP does not change the

Scott R. Frakes, Director

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requirement in AR-201.07 stating that an inmate with previous criminal history or current conviction of a sexual offense needs to have a psychological evaluation on file current within 12 months before being considered for lesser custody. We will be sending all NDCS inmates a separate memo that presents this change and other proposed changes to sexual offender programming.

Our leadership team is also working on changes to our i-HeLP and o-HeLP programs to bring them in line with current research. i-HeLP has been offered at LCC for our high-risk/needs clients and has sometimes taken more than two years to complete. We are working with various administrators to address staffing and physical space issues so that i-HeLP is high-intensity (8-12 hours of therapy per week) and shorter in duration (12-15 months). We are also looking to increase the intensity of o-HeLP so that we can graduate clients in six months as opposed to the current 9-12 months.

Lastly, our team has been exploring options to get our 600 sexual offenders screened in a timely manner so that they can get into correct programming well before their parole eligibility dates. The decisions involve potentially high-stakes. We are working to be efficient but to also be mindful of community safety and not setting up a client for failure after discharge if released without adequate programming.

**Distribution: NDCS Agency  
Board of Parole**